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Rules of Governmental Agencies

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Joint Rules of the Comptroller and the Department of Central Management Services: Prompt Payment

- 2) Code Citation: 74 Ill. Adm. Code 900

- 3) Section number: Proposed Action:

Not applicable

- 4) Statutory Authority: Implementing the State Prompt Payment Act to require prompt payments by the State of Illinois for goods or services, approved December 19, 1975, as changed by Public Act 86-1383 and Public Act 87-1232 (Ill. Rev. Stat. 1991, ch. 127, par. 132.400 through 132.407) [30 ILCS 540/0.01 through 540/7].

- 5) A Complete Description of the Subjects and Issues Involved:

These rules define terms, describe the duties of State agencies in regard to processing late payment interest, require a notice on vouchers that vendors may be due interest if payment is late, establish procedures regarding submission and receipt of bills, tell the circumstances in which late payment interest is due, show how late payment interest is calculated, provide certain special requirements regarding group insurance bills and establish a dispute procedure.

- 6) Will these proposed rules replace an emergency rule currently in effect?
Yes.

- 7) Does this rulemaking contain an automatic repeal date? No.

- 8) Do these proposed rules contain incorporations by reference? No.

- 9) Are there any other proposed amendments pending on this Part? No.

- 10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of the date of publication to:

Ben Bagby
720 Stratton Office Building
Springfield, IL 62706
(217)782-9669

- 12) Initial Regulatory Flexibility Analysis: Not applicable.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED RULES

The full text of the Proposed Rules are identical to the text of the Emergency Rules of the Office of the Comptroller which appear in this issue of the Register on page 11172.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Rate Setting
- 2) Code Citation: 89 Ill. Adm. Code 356
- 3) Section Numbers: Proposed Action:
356.5 Amendment
- 4) Statutory Authority: Implementing and authorized by the Children and Family Services Act (Ill. Rev. Stat. 1991, ch. 23, par. 5001 et seq.) (20 ILCS 505/1)
- 5) A Complete Description of the Subjects and Issues Involved: The Department proposes to revise the method of calculating its rate of reimbursement for child day care purchased from programs which are not required to have a license pursuant to the Child Care Act of 1969. The amendment is needed to comply with regulations for federal Child Care and Development Block Grant funding.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date: No.
If "yes", date: _____
- 8) Does this proposed amendment contain incorporations by reference? No.
- 9) Are there any other amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: These amendments will have no impact on local units of government.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication on this notice. Comments should be submitted to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe
Springfield, Illinois 62701-1498
Phone: (217) 524-1983
TDD/TTY: (217) 524-3715

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such. Persons who need translation or interpretation services to enable their commentary should request assistance by contacting the Office of Rules and Procedures at one of the above numbers.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:
- B) Types of small businesses affected: Day care facilities.
- C) Reporting, bookkeeping or other procedures required for compliance: This rule imposes no additional bookkeeping, reporting, or other procedures on the day care facilities, but rather changes the method used to determine the rate of reimbursement for day care services.
- D) Types of professional skills necessary for compliance: None imposed by this rule.

The full text of the Proposed amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 SUBCHAPTER c: FISCAL ADMINISTRATION

PART 356
 RATE SETTING

Section	Purpose
356.1	Definitions
356.2	Types of Reimbursement Made by the Department
356.3	Cost Information Requirements of Providers
356.4	Determining Rate Reimbursement Levels
356.5	Disallowable Costs and Reduced Reimbursement
356.6	Notice and Appeal of Provider Rates
356.7	

AUTHORITY: Implementing and authorized by the Children and Family Services Act (Ill. Rev. Stat. 1991, ch. 23, par. 5001 et seq.) [20 ILCS 505/1]

SOURCE: 5 Ill. Reg. 324, effective December 29, 1981; amended at 6 Ill. Reg. 11851, effective September 30, 1982; amended at 10 Ill. Reg. 11432, effective July 1, 1986; amended at 11 Ill. Reg. 675, effective January 2, 1987; amended at 11 Ill. Reg. 7255, effective April 15, 1987; amended at 17 Ill. Reg. _____, effective _____.

Section 356.5 Determining Rate Reimbursement Levels

This Section applies to those situations where the Department promulgates standard or individual rates identified in Section 356.3, (b) (2) and (3).

- a) Forms - Financial reporting forms shall be used in establishing rates of reimbursement, regardless of the type of service provided.
- b) For-Profit Agencies - Contracts with for-profit agencies must clearly identify any profit factor which must directly correspond to units of services provided. Profit will be categorized as an administrative cost and will be limited to nine percent of the total contract amount. Profit will also be included in calculating the overall administrative cost standard.
- c) Reasonable Cost Standards - Reasonable cost standards shall be applied to certain categories of costs except that program and transportation costs may

be exempted if warranted by the special needs of the clientele. The reasonable cost standards establish reimbursement ceilings for categories of costs. The standards are derived from the median costs of all agencies providing similar services. Fringe benefits above 25 percent of salaries shall not be reimbursed by the Department. Administrative costs may not exceed 20 percent of the costs for other services. Reimbursement may exceed the reasonable cost standards if a higher rate is negotiated as a result of a rate appeal that clearly demonstrates that costs in excess of the standard(s) are the result of a necessary level of resources purchased in a prudent manner. However, administrative costs may not exceed 20 percent of the costs of other services.

d) Revenues to be Offset - Revenues to be offset shall include grants, other non-purchase of service revenue from other governmental agencies, revenues from the school lunch program, and revenues from local education agencies. All revenues to be offset shall be reported by the provider. These revenues will be considered as part of the resources available to the provider in determining reasonable costs. The Department will not reimburse a provider for the proportion of services or administrative charges that have been paid, wholly, or in part, by such revenues.

e) Units of Service and Provider Capacity - Reimbursement rates shall be determined on the basis of actual units of service provided or the median utilization for all agencies providing similar services, whichever is greater. However, significant deviations from the utilization level may be used in ratesetting if unusual circumstances beyond the control of the provider directly caused a significant change in occupancy rates.

f) Special Provisions for Calculating Individual Rate Reimbursement including Child Care Institutions, Group Homes, Maternity Centers, and Shelter Programs.

- 1) The Department will conduct a joint rate calculation with the Illinois Department of Mental Health and Developmental Disabilities.
- 2) Reimbursement rates shall be determined on the basis of actual units of service provided, or the median utilization level for all similar providers, whichever is greater. The maximum utilization level that will be used to determine reimbursement rates shall be 98 percent of licensed or approved program capacity. For the purpose of establishing the median utilization level, residential programs will be grouped into two categories:

- A) Child Care Institutions and Group Homes, and
- B) Maternity Homes and approved Shelter programs

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 3) The reasonable cost standards for support and ownership costs shall be 120 percent of the median costs of all similar providers. Providers shall be deemed dissimilar, and subject to an adjusted cost standard if one or more of the following conditions has occurred on or after July 1, 1983: the provider has built an entirely new building used directly by clients of the program, the provider has renovated a building used directly by program clients and the annual depreciation and/or interest costs are \$20,000 or more, or the provider has entered a first-time lease for a building used directly by program clients. These costs shall be demonstrated by an annual audit cost report and accompanying notes as prescribed by 89 Ill. Adm. Code 434 (Audits, Reviews, and Investigations). The reasonable cost standards shall include a geographic differential factor to reflect the differences in costs due to geographic location when such cost differentials exist. The existence of such differentials is determined by measurement of the audited costs reported by providers and the application of generally accepted statistical tests to these costs. Any geographic differential factor which results from these tests is included in the Department's rate notices sent to providers.
- 4) Historical costs, except depreciation, interest and amortization of allowable preoperating expenses shall be increased by inflation adjustment factor to reflect the increases in costs caused by general inflation. The maximum increase in a facility's reimbursement rate shall be 150 percent of the inflation adjustment factor for the most current year. The percentage limitation shall be applied to the most recent rate unless that rate declined due to a combination of both reduced utilization and reduced costs. In such case, the next most recent rate shall be used to determine the allowable maximum increase. This limitation will not be applied to cost increases mandated by regulatory agencies or program changes approved by the Department Director.
- 5) New start programs not having historical costs shall have a rate set via a process which begins with completion of a projected historical cost budget in the same format used to set historical cost rates. The Regional Office developing the contract shall negotiate costs based on a comparison of the budget with levels of staffing generally needed for similar programs; with prevailing wage rates; and with levels of supply, ownership, support and other costs common to similar programs. The Office of Contracts and Grants shall review the results and shall engage in further negotiations when an examination of submitted data determines an anomaly or disparity in the data in comparison to other data submitted by other providers. A new start rate shall then be set using the reasonable cost standards applying to the particular program

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- under the terms of this Rule with one exception: To allow for the phase-in placement of clients, the divisor applied to costs will be the greater of:
- A) the number five percentage points lower than the median utilization level applying to ongoing programs of the same type; or
 - B) the projected utilization agreed to by the Department and the provider.
- g) Special Provisions for Calculation of Standard Rate Reimbursement Levels for Day Care ~~Programs~~ Centers
- 1) Reimbursement rates will be calculated from the costs and utilization information presented in the independent audits. Only reported costs of facilities under contract with the Department will be considered for calculating reimbursement rates.
 - 2) The Department will calculate standard reimbursement rates for all similar facilities. The facilities will be separated into geographic groupings that reflect the differences in costs due to geographic location. A standard reimbursement rate will be calculated for each geographic grouping.
 - 3) A portion of the fair market value of donated goods and services will be considered for the calculating of standard reimbursement rates. Day care ~~programs~~ centers are hereby excluded from the prohibition of inclusion of the costs of donated goods and services as stated in Section 356.6, Disallowable Costs and Reduced Reimbursement.
 - 4) The divisor applied to costs in order to calculate rates shall be the greater of 85 percent of the licensed or approved program capacity or actual units of service.
 - 5) The Department may make adjustments to reported wage and salary levels if it determines that they are insufficient to attract capable caregivers in sufficient numbers.
- h) Special Provisions for Calculation of Standard Rate Reimbursement for Non-Center Based Day Care Programs
- 1) Reimbursement rates will be calculated from the results of separate market surveys completed on licensed non-center based day care

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

programs and on those not required to be licensed. For licensed non-center based programs, the market survey will be conducted using a statistically valid random statewide sample of all such programs. For non-center based programs not required to be licensed, the statistically valid random sample will include an equal number of providers who accept State funds and those listed with the Statewide Child Care Resource and Referral network but not funded by the State.

- 2) The Department will calculate separate reimbursement rates for licensed non-center based day care and for non-center based day care programs not required to be licensed. The non-center based day care programs will be separated into geographic groupings that reflect the differences in costs due to geographic location. Standard reimbursement rates will be calculated for each geographic grouping for licensed non-center based programs and for those not required to be licensed.

(Source: Amended at 17 Ill. Reg. _____, effective _____.)

OFFICE OF THE COMPTROLLER

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Joint Rules of the Comptroller and the Department of Central Management Services: Prompt Payment

2) Code Citation: 74 Ill. Adm. Code 330

3) Section number: Proposed Action:

330.10	New
330.20	New
330.30	New
330.40	New
330.50	New
330.60	New
330.70	New
330.80	New
330.90	New
330.100	New
330.110	New
330.120	New
330.130	New
330.140	New

- 4) Statutory Authority: Implementing the State Prompt Payment Act to require prompt payments by the State of Illinois for goods or services, approved December 19, 1975, as changed by Public Act 86-1383 and Public Act 87-1232 (Ill. Rev. Stat. 1991, ch. 127, par. 132.400 through 132.407) [30 ILCS 540/0.01 through 540/7].

- 5) A Complete Description of the Subjects and Issues Involved:

These rules define terms, describe the duties of State agencies in regard to processing late payment interest, require a notice on vouchers that vendors may be due interest if payment is late, establish procedures regarding submission and receipt of bills, tell the circumstances in which late payment interest is due, show how late payment interest is calculated, provide certain special requirements regarding group insurance bills and establish a dispute procedure.

- 6) Will these proposed rules replace an emergency rule currently in effect?
Yes.

- 7) Does this rulemaking contain an automatic repeal date? No.

- 8) Do these proposed rules contain incorporations by reference? No.

- 9) Are there any other proposed amendments pending on this Part? No.

OFFICE OF THE COMPTROLLER

NOTICE OF PROPOSED RULES

10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of the date of publication to:

Kim Kirn
Office of the Comptroller, Second Floor
Springfield, IL 62706
(217)782-6000

12) Initial Regulatory Flexibility Analysis: Not applicable.

The full text of the Proposed Rules are identical to the text of the Emergency Rules which appear in this issue of the Register on page 11172.

DEPARTMENT OF MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Administration
- 2) Code Citation: 59 Ill. Adm. Code 101
- 3) Section Numbers:
101.75
Proposed Action:
New Section
- 4) Statutory Authority:

Implementing the Bogard et al. v. Bradley et al. consent decree (No. 88 C 2414, U.S.D.C., N.D. IL) (June 2, 1993)) and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1991, ch. 91½, par. 5-104) [405 ILCS 5/5-104], Section 5 of the Department of Mental Health and Developmental Disabilities Act (Ill. Rev. Stat. 1991, ch. 91½, par. 100-5) [20 ILCS 1705/5] and Section 10-5 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1010-5) [5 ILCS 100/10-5].

- 5) A Complete Description of the Subjects and Issues Involved:

This rulemaking establishes the Department's procedures for the conduct of hearings and appeals for the class members covered by the Bogard et al. v. Bradley et al. consent decree, signed June 2, 1993. The consent decree requires that such rulemaking be promulgated within one month of the signing of the consent decree. Section 101.75 does not apply to any other individuals who may be receiving mental health or developmental disabilities services.

- 6) Will this proposed amendment rule replace an emergency rule currently in effect? No.

- 7) Does this rulemaking contain an automatic repeal date? No.

- 8) Does this proposed amendment contain incorporations by reference?

This rulemaking does not incorporate by reference the rules, regulations, standards or guidelines of an agency of the United States or a nationally or state recognized organization or association.

- 9) Are there any other proposed amendments pending on this Part? No.

- 10) Statement of Statewide Policy Objectives: This rulemaking does not impact the State Mandates Act (Ill. Rev. Stat. 1991, ch. 85, par. 2201 et seq.) [30 ILCS 805].

DEPARTMENT OF MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENT

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any interested person may submit comments, data, views or argument regarding this proposed rulemaking before the expiration of the first 45-day notice period. Submissions must be in writing and directed to: Judith Hollenberg, Rules Administrator, Illinois Department of Mental Health and Developmental Disabilities, 403 Stratton Building, Springfield, IL 62765, telephone (217)785-3313.

- 12) Initial Regulatory Flexibility Analysis:

- A) Date amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

Upon publication in the Illinois Register.

- B) Types of small business affected

Agencies which provide developmental disabilities services in community residential settings.

- C) Reporting, bookkeeping or other procedures required for compliance:

None.

- D) Types of professional skills necessary for compliance:

None.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENT

TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENT

PART 101
ADMINISTRATION

Section

101.10 Illinois Department of Mental Health and Developmental Disabilities
-- Internal Organization (repealed)
101.20 Service recipients activity fund in Department facilities
101.30 Payments to the account of service recipients
101.60 Service contracts (recodified)
101.75 Conduct of hearings and appeals for Bogard et al. v. Bradley et al.
consent decree (88 C 2414, U.S.D.C., N.D. IL) (June 2, 1993)) class members

101.80 Conflict of interest

101.90 Specialized living centers

101.100 Community mental health and developmental disabilities service provider participation fee trust fund

APPENDIX A Organization Charts (repealed)

Illustration A Illinois Department of Mental Health and Developmental Disabilities (repealed)
Illustration B Associate Director (repealed)
Illustration C Division of Developmental Disabilities (repealed)
Illustration D Division of Alcoholism (repealed)
Illustration E Division of Management Services (repealed)
Illustration F Division of Community Services and Interagency Affairs (repealed)

Illustration G Region 1A Office (repealed)

Illustration H Region 1B Office (repealed)

Illustration I Region 2 Office (repealed)

Illustration J Region 2 Developmental Disabilities (repealed)

Illustration K Region 3A Office (repealed)

Illustration L Region 3B Office (repealed)

Illustration M Region 4 Office (repealed)

Illustration N Region 5 Office (repealed)

AUTHORITY: Implementing Section 2-105 of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1991-990-Supp., ch. 91, par., 2-105) [405 ILCS 5/2-105], Sections 6, 18.1, 20 and 22 of the Department of Mental Health and Developmental Disabilities Act (Ill. Rev. Stat. 1991-989, ch. 91, pars. 100-6, 100-18.1, 100-20 and 100-22) [20 ILCS 1705/6, 18.1, 20 and 22], as amended by P.A. 87-13, effective July 24, 1991, Section 3.06 of the Specialized Living Centers Act (Ill. Rev. Stat. 1991-989, ch. 91, par. 603.06) [405 ILCS 25/3.06], and Section 4A-101 of the Illinois Governmental

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Ethics Act (Ill. Rev. Stat. 1991-1989, ch. 127, par. 604A-101) [5 ILCS 420/4A-101] and Bogard et al. v. Bradley et al. consent decree (88 C 2414, U.S.D.C., N.D. IL) (June 2, 1993)) and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1991-1989, ch. 91, par. 5-104) and Section 5 of the Department of Mental Health and Developmental Disabilities Act (Ill. Rev. Stat. 1990-Supp-1991, ch. 91, par. 100-5) [20 ILCS 1705/5] and Section 10-10 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1010-10) [5 ILCS 100/10-10].

SOURCE: Effective February 1, 1977, corrected April 1, 1977; amended at 3 Ill. Reg. 50, p.277, effective December 3, 1979; amended at 4 Ill. Reg. 17, p. 205, effective April 15, 1980; codified at 5 Ill. Reg. 10716; amended at 8 Ill. Reg. 12265, effective July 1, 1984. Section 101.60 recodified to 44 Ill. Adm. Code 1250 at 8 Ill. Reg. 18490; amended at 15 Ill. Reg. 9316, effective June 18, 1991; emergency amendment at 15 Ill. Reg. 14663, effective October 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 2137, effective January 24, 1992; amended at 17 Ill. Reg. _____, effective _____.

NOTE: Bold-face type denotes statutory language.

Section 101.75 Conduct of hearings and appeals for Bogard et al. v. Bradley et al. CONSENT DECREE (88 C 2414, U.S.D.C., N.D. IL) (June 2, 1993)) CLASS MEMBERS

a) Applicability

This Section shall apply to decisions concerning the transfer and discharge from community residential settings of Bogard et al. v. Bradley et al. Class members.

b) Definitions

For the purposes of this Section, the following terms are defined:

"Administrative law judge (ALJ)." The person appointed by the Director to preside at the formal administrative hearing and is synonymous with any other term used to refer to the person conducting such hearings.

"Agency." An entity that operates a community residential setting.

"Appellant." The person who requests a hearing.

"Class members." All persons 18 years of age or older with developmental disabilities who, on or after March 13, 1986, resided in an intermediate care or skilled nursing facility in Illinois as a Medicaid recipient for a period of more than 120 days in the

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aggregate. No persons shall be excluded from the class because he or she has a primary diagnosis that is not mental retardation or a related condition, provided that such person also has a condition which meets the definition of developmental disability. However, no person first admitted to a nursing facility on or after April 1, 1994, will be a member of the class.

"Community residential setting." One of a variety of living arrangements as long as no more than eight people reside together and the setting is designed to promote independence in daily living, community integration, and economic self-sufficiency. Community residential settings include existing categories such as community integrated living arrangements, community residential alternatives, assisted residential care, supported residential care and adult foster care and may also include newly developed settings which are consistent with these principles.

"Contested case." Has the meaning ascribed to it in Section 1-30 of the IAPA (Ill. Rev. Stat. 1991, ch. 127, par. 1001-30) [5 ILCS 100/1-30].

"Days." Working days unless otherwise specified.

"Department." The Department of Mental Health and Developmental Disabilities.

"Developmental disability". A disability that is attributable to mental retardation, regardless of the need for specialized services or a related condition. A related condition meets all of the following conditions:

Is attributable to: cerebral palsy, epilepsy or autism, or any other condition (other than mental illness) found to be closely related to mental retardation because this condition results in impairment or general intellectual functioning or adaptive behavior similar to that of individuals with mental retardation and requires treatment or services similar to those required for such individuals;

Is manifested before the person reaches the age of 22;

Is likely to continue indefinitely; and

Results in substantial functional limitations in three or more of the following areas of major life activity: self-care, language, learning, mobility, self-direction, or capacity for independent living.

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"Director." The Director of the Department of Mental Health and Developmental Disabilities or his or her designee.

"Discharge." The termination of all services provided to an individual in the community residential setting in which the individual resides.

"IAPA." The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100].

"Intermediate care facility." Any long-term facility licensed by the Illinois Department of Public Health under the Nursing Home Care Act, (Ill. Rev. Stat. 1991, ch. 111, par. 4151-101 et seq.) [210 ILCS 45] as an intermediate care facility.

"Medicaid." The medical benefits program administered by the Illinois Department of Public Aid pursuant to Title XIX of the Social Security Act (42 U.S.C.A. 1396a (1992)).

"OBRA Management Unit." A group of individuals charged with coordinating implementation activities under the Bogard et al. v. Bradley et al. consent decree. There is one person designated from each of the Departments of Mental Health and Developmental Disabilities, Public Aid, Rehabilitation Services, Aging and Public Health to serve on the Unit.

"Substantial evidence." Such evidence as a reasonable person can accept as adequate to support a conclusion.

"Skilled nursing facility." Any long-term facility licensed by the Illinois Department of Public Health under the Nursing Home Care Act as a skilled nursing facility.

"Specialized services." A continuous program for each individual. These services include aggressive, consistent implementation of a program of specialized and generic training, treatment health services and related services that are directed toward the acquisition of behaviors necessary for the individual to function physically, intellectually, socially, and vocationally with as much self-determination and independence as possible; and the prevention or deceleration of regression. Specialized services does not include services to maintain generally independent individuals who are able to function with little supervision or in the absence of a continuous specialized services program.

"Transfer." When an individual ceases to be served by one agency and begins to be served by another agency under the same community residential setting without interruption of services.

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c) Decisions subject to appeal

Decisions by agencies to discharge or transfer class members shall be appealable pursuant to this Section, except when the agency ceases to provide a particular type of community residential setting.

d) Representation

The appellant and the agency may be represented during the hearing and appeals process by an attorney or any other person which the appellant or agency chooses. The appellant may also represent him or herself; the agency may represent itself.

e) Notice

1) Notice of an agency decision to discharge or transfer a class member shall be given not less than 30 calendar days before the proposed date of the transfer or discharge. The notice of the decision shall contain:

A) A statement of the reason for the transfer or discharge;

B) The effective date of the proposed transfer or discharge;

C) A statement which reads: "You have a right to appeal the agency's decision. If you think you should not have to leave this program, you may file a request for a hearing with the Department of Mental Health and Developmental Disabilities within 20 days after receiving this notice. You should send a letter saying why you think you shouldn't leave the program and asking for a hearing to: Hearings and Appeals Section, 401 William G. Stratton Building, Springfield, IL 62765. If you request a hearing, you will not be transferred or discharged while the appeal is going on. If you have any questions, call the Department of Mental Health and Developmental Disabilities at 217/782-6068."

D) The name, address and telephone number of the person charged with the responsibility of supervising the transfer or discharge.

2) The notice of the hearing sent by the Department shall contain:

A) A statement of the nature of the hearing;

B) A statement of the time and place of the hearing or if a pre-hearing conference is scheduled by the Department, the time and place of the conference;

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C) A reference to the particular sections of the statute and rules involved;

D) A statement of the legal authority under which the hearing is held;

E) A concise statement of the matters asserted;

F) A statement of the consequences of failing to respond to the notice;

G) The official file number;

H) The names and addresses of the administrative law judge and the parties involved; and

I) A statement of the right to be represented by the person of the appellant's choice, at his or her expense.

3) All notices under this Section shall be served either personally or by certified mail on the class member and guardian, if any, and the agency. If the agency knows that the class member cannot read English, the notice shall be explained to him or her orally in his or her primary language, including sign language.

f) Transfer or discharge pending a hearing

No transfer or discharge shall proceed pending the Director's decision or any judicial review of that decision.

g) Qualifications of administrative law judge

Administrative law judges shall meet the qualifications set out in the Department's rules at 2 Ill. Adm. Code 1027.

h) Disqualifications of administrative law judge

At any time prior to the issuance of the hearing officer's recommended decision, the appellant or the agency may move to disqualify the administrative law judge on the grounds of bias or conflict of interest. Such a motion shall be made in writing to the Director, with a copy to the administrative law judge, setting out the specific instances of bias or conflict of interest. An adverse decision or ruling, in and of itself, is not grounds for disqualification. The administrative law judge's employment or contract as an administrative law judge by the Department is not, in and of itself, a conflict of interest. The appeal shall be suspended until the Director rules on the motion. The Director may decline to disqualify the administrative law judge, appoint another

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administrative law judge to hear the case or decide that the appeal should be granted.

i) Pre-hearing conferences

1) The administrative law judge may schedule a pre-hearing conference at his or her discretion. This conference shall be held prior to the hearing and shall be for the purpose of considering:

A) A clarification of the issues;

B) The possibility of obtaining admissions of fact and of documents that would avoid unnecessary proof or testimony;

C) The possibility of a resolution of the case without a hearing; and

D) Any other matters that may aid in the disposition of the appeal.

2) If the pre-hearing conference results in a resolution of the appeal by agreement of the parties, the administrative law judge shall issue an order reciting the agreement and dismissing the appeal. Copies of the order shall be sent to the appellant, the agency and the Department's representative on the OBRA Management Unit. The appellant's and agency's copies shall be sent by certified mail.

j) Discovery

1) Discovery such as interrogatories and depositions as provided for in the Rules of the Illinois Supreme Court (S. Ct. Rule 1 et seq.) is at the discretion of the administrative law judge. Requests to take discovery shall be made in writing to the administrative law judge with notice to all parties. Discovery may only be taken with the prior permission of the administrative law judge and is subject to the provisions of the Mental Health and Developmental Disabilities Confidentiality Act (Ill. Rev. Stat. 1991, ch. 91, par. 801 et seq.) [740 ILCS 110]

2) Each party shall, on request by another party or the administrative law judge, serve on all other parties a list of potential witnesses who may be called on to testify at the hearing. Such list shall include the address or place of employment of each witness and shall be served within seven days of the receipt of the request.

3) The appellant shall, on request, be allowed to inspect and copy any documents which the agency intends to submit at the hearing. Such request shall be made at least two days before the hearing.

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k) Conduct of hearings

- 1) All hearings shall be closed to the public. However, individuals who request to attend a hearing may do so with the appellant's consent.
- 2) The administrative law judge:
 - A) Shall regulate the course of the hearing;
 - B) May hold an informal conference for the settlement or definition of the issues;
 - C) Shall dispose of procedural requests;
 - D) May continue the hearing from time-to-time when necessary;
 - E) May examine witnesses; and
 - F) Shall rule on the relevancy of evidence.

- 3) At the hearing, both parties may present written and oral evidence. The agency shall have the burden of proving that there was substantial evidence to support its decision. After the agency's presentation, the appellant may present written and oral evidence. Written opening or closing arguments, legal memoranda, trial briefs or similar documents shall be permitted on motion granted or if the parties so stipulate. This requirement shall not prohibit the administrative law judge, sua sponte, from requesting that certain issues be briefed by the parties.

4) Standards

- A) A class member may not be transferred unless the transfer is consistent with the class member's service needs.
- B) A class member may not be discharged unless the discharge is consistent with the class member's service needs or unless the class member does not meet the program's eligibility criteria.

5) Evidence

- A) The rules of evidence and privileges as applied in the circuit courts of this State shall apply in these hearings. However, evidence not admissible under such rules shall be admitted if it is of a type commonly relied on by reasonably

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prudent persons in the conduct of their affairs. Irrelevant, immaterial or unduly repetitious evidence shall be excluded.

- B) A party may conduct cross-examination of a witness subject to the evidentiary requirements in subsection (j)(4)(A) of this Section.
- C) Notice may be taken of matters of which the circuit court of this State may take judicial notice. In addition, notice may be taken of generally recognized scientific or technical facts within the Department's specialized knowledge. Parties shall be notified before or during the hearing of the material noticed and shall be given an opportunity to contest the material so noticed.

- 5) The hearing shall be either taped or stenographically recorded at the hearing officer's discretion. The Department shall retain the tape or a copy of the transcript. If the appellant or the agency appeals the Director's decision, a copy of the tape or the transcript shall be provided to the appellant and the agency on request.

1) Administrative law judge's recommended decision

Within 20 days after the hearing, the administrative law judge shall issue his or her recommended decision to the Director. The decision shall contain findings of fact, conclusions of law, the reasons for the decision and a recommended disposition of the case. Copies of the decision shall be sent to both parties by certified mail. A copy shall also be sent to the Department's representative on the OBRA Management Unit.

m) Post-hearing briefs

- 1) Both parties shall be given the opportunity to submit a brief to the Director in response to the administrative law judge's recommended decision. The appellant or the agency must notify the Director within five days of receipt of the recommended decision if the appellant or the agency intends to submit a brief. Briefs shall be submitted no later than 20 days after receipt of the recommended decision, unless the administrative law judge grants a party's request for additional time. Briefs shall be no longer than 10 pages unless the administrative law judge grants a party's request to submit a longer brief. A copy of the brief shall be sent to the other party.

- 2) If either party submits a brief, the other party may submit a reply brief to the Director. The appellant or the agency must notify the

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Director in writing within five days of receipt of the brief if it intends to submit a reply brief. Reply briefs shall be submitted no later than 10 days after receipt of the brief.

n) The record

The record for a hearing shall include:

- 1) All notices, motions and rulings;
- 2) All evidence received and admitted;
- 3) A statement of matters officially noticed;
- 4) Any offers of proof, objections and rulings;
- 5) The hearing officers recommended decision; and
- 6) Any ex parte communication prohibited by Section 10-60 of the IAPA (Ill. Rev. Stat. 1991, ch. 127, par. 1010-60) [5 ILCS 100/10-60].

o) Director's decision

1) The Director shall be provided with the record and all briefs, if any. Within 20 days after receipt of the record or the post-hearing brief (if any) whichever is later, the Director shall issue a final decision adopting, modifying or reversing the recommended decision. The decision shall include findings of facts and conclusions of law. The Director shall adopt the recommended decision if he or she determines that the recommended decision was supported by substantial evidence. Copies of the final decision shall be sent to the appellant, the agency, the Department's representative on the OBRA Management Unit, and the administrative law judge. The appellant's and agency's copies shall be sent by certified mail.

2) The Director's decision shall constitute a final administrative decision in accordance with the Administrative Review Law (Ill. Rev. Stat. 1991, ch. 110, par. 3-101 et seq.) [735 ILCS 5/3] and shall include a statement to that effect.

p) Miscellaneous

1) Ex parte communication

Except in the disposition of matters in which they are authorized by law to entertain or dispose of on an ex parte basis, the administrative law judge or the Director shall not, after notice of

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hearings or other on-the-record proceeding, communicate directly or indirectly, in connection with any other issues with any party, his or her representative, or any other person interested in the outcome of the proceeding, except on notice and opportunity for all parties to participate. However, a Department employee may communicate with other employees of the Department, and the administrative law judge or Director may have the aid and advice of one or more personal assistants.

2) Waiver

Compliance with this Section or with any or all provisions of the IAPA regarding contested cases (Ill. Rev. Stat. 1991, ch. 127, par. 1010-25 et seq.) [5 ILCS 100/10-25] may be waived by written stipulation of all parties.

(Source: Added at 17 Ill. Reg. _____, effective _____)

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: LICENSING REQUIREMENTS FOR SOURCE MATERIAL MILLING FACILITIES
- 2) Code Citation: 32 Ill. Adm. Code 332
- 3) Section Number: 332.170
Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Radiation Protection Act of 1990 (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 210 et seq.) [420 ILCS 40/1 - 40/44].
- 5) A Complete Description of the Subjects and Issues Involved: This amendment will clarify Section 32.170(a) concentration units for radioactive materials that may be released to the general environment. The Department is proposing to amend the rule to use conventionally used terminology. The Department is proposing to express the whole body dose limit as an "annual effective dose equivalent" and to express organ dose limits as an "annual dose equivalent." When this rule was originally proposed, the Department agreed in the Second Notice document filed with the Joint Committee on Administrative Rules that it would change the proposed wording in response to comments received during the First Notice Period. However, in the process of changing the terminology, the Department inadvertently deleted the language in the rule indicating that the dose limits were to be annual limits. The Department is proposing to modify Section 332.170 to clarify its intent that the subsection (a) specified annual dose limits.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

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- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Betsy Salus
Senior Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 785-9881 (voice)
(217) 785-9900 (TDD)
- 12) Initial Regulatory Flexibility Analysis:
 - A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: N/A
 - B) Types of small businesses affected: The Department believes that these amendments impose no direct impact on any small businesses that are licensed by the Department.
 - C) Reporting, bookkeeping or other procedures required for compliance: This rulemaking does not require licensees to perform reporting, bookkeeping or other procedures for achieving compliance.
 - D) Types of professional skills necessary for compliance: No particular professional skills are necessary for compliance.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

TITLE 32: ENERGY
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTION

PART 332

LICENSING REQUIREMENTS FOR SOURCE MATERIAL MILLING FACILITIES

Section	Purpose and Scope
332.10	Definitions
332.20	License Required
332.30	Application Content and Procedure
332.40	General Information
332.50	Technical Information
332.60	Technical Analyses
332.70	Institutional Information
332.80	Financial Information
332.90	Evaluation of License Application and Issuance of a License
332.100	General Conditions of Licenses
332.110	Application for Renewal or Closure
332.120	Contents of Application for Site Closure and Stabilization
332.130	Postclosure Observation and Maintenance
332.140	Termination of Source Material Milling Facility License
332.150	General Requirements
332.160	Protection of the General Population from Radiation
332.170	Protection of Individuals from Inadvertent Access
332.180	Protection of Individuals During Operations
332.190	Stability of the Byproduct Material Disposal Site After Closure
332.200	Technical Criteria for Byproduct Material Disposal Sites - Siting
332.210	Criteria
332.220	Technical Criteria for Byproduct Material Disposal Sites - Design
332.230	Criteria
332.240	Technical Criteria for Byproduct Material Disposal Sites - Groundwater Protection
332.250	Technical Criteria for Byproduct Material Disposal Sites - Control of Radiation Hazards
332.260	Technical Criteria - Source Material Milling Operations
332.270	Financial Surety Requirements
332.280	Long-Term Care Payment
332.290	Land Ownership
332.290	Maintenance of Records, Reports, and Transfers

AUTHORITY: Implemented and authorized by the Radiation Protection Act of 1990 (111. Rev. Stat. 1987 1991, ch. 111½, pars. 211 210 et seq.) [420 ILCS 40/1 - 40/441].

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SOURCE: Adopted at 14 Ill. Reg. 1333, effective January 5, 1990; amended at 111. Reg. ____, effective ____.

Section 332.170 Protection of the General Population from Radiation

a) At all times, concentrations of radioactive material, excluding radon, thoron, and their progeny, which may be released to the general environment in groundwater, surface water, air, soil, or other means shall not result in a committed:

1) Shall not result in an annual effective dose equivalent in excess of 25 millirem (0.25 mSv) to the whole body, and a committed of any member of the public; and

2) Shall not result in an annual dose equivalent in excess of 75 millirem (0.75 mSv) to the thyroid, and or 25 millirem (0.25 mSv) to any other organ of any member of the public.

b) Releases of radionuclides in effluents to the general environment shall be maintained as low as is reasonably achievable.

b_c) During the operating life and facility decommissioning, the combined concentration of radon and thoron at the boundary of the licensed site, measured at a height of one meter from the surface, averaged annually, shall not exceed three picocuries per liter above the background concentration at the licensed site.

e_d) The disposal area shall be designed so that after reclamation and stabilization, the annual total radon release rate through the cover from the byproduct material shall not exceed two picocuries per square meter per second. Furthermore, the direct gamma exposure rate from the byproduct material shall be reduced to background levels normal for areas in the vicinity.

(Source: Amended at 111. Reg. ____, effective ____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Aid To Families With Dependent Children2) Code Citation: 89 Ill. Adm. Code 1123) Section Numbers: Proposed Action:

112.64, 112.70, 112.71, 112.81,	Amendment
112.130, 112.137, 112.141, 112.142,	Amendment
112.143, 112.145, 112.152, 112.302,	Amendment
112.303, 112.330, 112.404, 112.406	Amendment

4) Statutory Authority: Article IV and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 4-1 et seq. and 12-13) [305 ILCS 5/4-1 et seq. and 5/12-13]5) Complete Description of the Subjects and Issues Involved: These proposed amendments will enable the Department to implement the Fresh Start Welfare Reform Demonstration. Fresh Start is the State of Illinois' Welfare Reform package for AFDC. These proposed amendments to the AFDC Rules add necessary references to the Fresh Start provisions. The Fresh Start requirements are being added to Part 170 in related rulemaking.

The five individual components of the Fresh Start Welfare Reform Demonstration are the following: the Youth Employment and Training Initiative, the Paternal Involvement Project, the Homeless Families Support Project, the Family Responsibility Project and the Income Budgeting Project. In those components where random assignment is to be used to determine group membership, families will be randomly assigned to one of two groups: an experimental group, which will be subject to the provisions applicable to the component, and a control group, which will not be affected by the provisions.

1. The Youth Employment and Training Initiative

The Youth Employment and Training Initiative is proposed as a Youth Component of JOBS. The purpose of the demonstration project is to determine if by mandating participation of youth (14 to 20 years old) in the JOBS program, the cycle of intergenerational welfare dependency will be broken. The primary focus of the demonstration is on education and training directly linked to high school graduation and employment.

The Department will implement for children in families eligible to receive assistance under AFDC-R or AFDC-U in the experimental group the following provisions:

- Require that individuals 14 through 20 years old in AFDC families continue enrollment and attendance in education or vocational training courses.

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- Consider participants as mandatory JOBS participants for purposes of defining good cause and implementing conciliation, fair hearing and sanction policies.

The evaluation for this component will measure differences for the following outcomes: high school completion, drop-out rates, grade point averages, school attendance, teen pregnancies, hours of employment and earnings after high school completion, and AFDC and Medicaid payments.

2. The Paternal Involvement Project

The purpose of the Paternal Involvement Project is to demonstrate that non-custodial fathers of AFDC children will have a greater financial and emotional involvement with their children after they receive employment training through the JOBS program. The project will be conducted at three sites in the city of Chicago: The Chicago Institute for Economic Development, The Neighborhood Institute, and Chicago Commons/Mary McDowell Settlement House.

The Department will provide JOBS program services to non-custodial parents who:

- are between 18 and 35 years old upon program entry,
- are eligible to receive Food Stamp benefits,
- have a child(ren) receiving AFDC,
- agree to participate in the demonstration for at least 2 years,
- secure the custodial parent's consent to participate, and
- have paternity adjudicated or agree to have paternity legally established upon entry.

The evaluation for this component will measure differences for the following outcomes: employment rates; hours and length of employment; amount of earned income; child support collections; incidence of contact between non-custodial parents and their children; and AFDC payments to children of demonstration participants.

3. The Homeless Families Support Project

The Homeless Families Support Project is a four year demonstration program of experimental design operated by the Department in cooperation with Catholic Charities of Joliet and Chicago Coalition for the Homeless or their successor agency. The purpose of the demonstration program is to determine if enhanced employment incentives to homeless AFDC recipients will lead to long-term employment, a more stable environment and enable the client to achieve self-sufficiency.

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A minimum total of 600 homeless families receiving AFDC from three sites, one each in Cook County, Dupage County and Will County, will be randomly assigned to either an experimental group or a control group. The Department will implement for families assigned to the experimental group the following provisions:

- Provide families during the first two consecutive years of employment alternative earned income disregards to allow them to realize a monthly income up to the level of the Department's standard of need for their family size. After two years the Department will revert to the standard AFDC earned income disregard for these families.
- Increase the family asset limitation to \$3,000.
- Extend Transitional Child Care benefits from 12 to 24 months for families terminated for reason of earned income and without regard to AFDC receipt in 3 of the 6 months preceding ineligibility by reason of earnings and hours of work.
- Extend transitional Medicaid eligibility, without regard to income, from 12 to 24 months for families terminated for reason of earned income.
- Provide emergency assistance payments to a family more frequently or for a longer period than 30 days in any 12 month period, not to exceed 6 months in any 12 month period.

The evaluation for this component will measure differences for the following outcomes: time spent in homeless shelters; employment rates; hours and length of employment; amount of earned income; total family income; AFDC, Medicaid, and Food Stamp payments; the incidence of AFDC receipt; exit and recidivism rates for AFDC; and receipt of child care benefits.

4. The Family Responsibility Project

The purpose of the Family Responsibility Project is to demonstrate that allowing two-parent families to qualify for AFDC-UP will help these families achieve self-sufficiency sooner and have a lower recidivism rate than families who have been denied AFDC-UP. The Department will include all AFDC-U cases in the demonstration. In six large offices which will serve as research offices, the Department will randomly assign a minimum total of 2400 families receiving or applying for assistance under the AFDC-U program to either an experimental or control group.

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The Department will implement for AFDC-U program families in the experimental group and AFDC-U cases in non-research offices in the State the following provisions:

In determining program eligibility, disregard the 100 hour per month employment rule, the quarters of coverage (attachment to the work force) requirement, the 30 day unemployment prior to application condition, and the restriction on refusal of bona fide offers of employment.

The evaluation for this component will measure differences for the following outcomes: employment rates; hours and length of employment; amount of earned income; total family income; AFDC, Medicaid, and Food Stamp payments; the incidence of AFDC receipt; exit and recidivism rates for AFDC; and receipt of child care benefits.

5. The Income Budgeting Project

The purpose of the Income Budgeting Project is to demonstrate that a combination of prospective and retrospective budgeting of earned income encourages AFDC recipients to accept employment. The Department will randomly assign all cases in a site with at least 2500 current cases to either an experimental or control group and continue random assignment of new cases over a two-year period. Except for the cases in the control group, all earned income cases in the State will use the demonstration budgeting policy described below. The control group will use the current budgeting policy.

The demonstration budgeting policy will entail the following provisions:

- When earned income is discovered or reported, all earned income will be budgeted prospectively for the first two months that budgeting is administratively possible. Thereafter, earned income is budgeted retrospectively.
- When employment is terminated, the last month during which earnings were received will be the last month in which income is budgeted retrospectively.

The evaluation for this component will measure differences for the following outcomes: employment rates; hours and length of employment; amount of earned income; AFDC, Medicaid, and Food Stamp payments; the incidence of AFDC receipt; exit and recidivism rates for AFDC.

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- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
112.78	Amendment	April 9, 1993 (17 Ill. Reg. 5436)
112.145	Amendment	April 9, 1993 (17 Ill. Reg. 5436)
112.151	Amendment	April 9, 1993 (17 Ill. Reg. 5436)
112.250	Amendment	January 4, 1993 (17 Ill. Reg. 46)
112.252	Amendment	January 4, 1993 (17 Ill. Reg. 46)
112.253	Amendment	January 4, 1993 (17 Ill. Reg. 46)
112.254	Amendment	January 4, 1993 (17 Ill. Reg. 46)
112.370	New Section	April 16, 1993 (17 Ill. Reg. 6026)

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Judy Umunna, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave., E., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.

- 12) Initial Regulatory Flexibility Analysis:

- A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Not applicable
- B) Types of small businesses affected: None
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None
- The full text of the Proposed Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112

AID TO FAMILIES WITH DEPENDENT CHILDREN

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SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

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112.110Exempt Unearned Income

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112.120Incentive Allowances

112.125Unearned Income In-Kind

112.126Earmarked Income

112.127Lump Sum Payments

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112.133Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision

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112.136Budgeting Earned Income For Non-Contractual School Employees

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112.141Earned Income Exemption

112.142Exclusion From Earned Income Exemption

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- 112.350 Child Care
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EMERGENCY

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Section

- 112.400 Transitional Child Care Eligibility
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- 112.414 Child Care Overpayments and Recoveries
- 112.416 Fees for Service for Transitional Child Care
- 112.418 Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 4-1 et seq. and 12-13) [305 ILCS 5/4-1 et-seq. and 5/12-13]

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 3 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3

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111. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill.

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Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12850, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15821, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective

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January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 112.64 Unemployment of the Parent

- a) Unemployment of the parent is the basis of a child's eligibility for Aid to Families with Dependent Children-Unemployment (AFDC-U),

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Section 112.64(a) (continued)

whether or not the parent is in the assistance unit, when the parent is in the home and is employable but unemployed.

- b) The parent designated as unemployed must be the principal wage earner of the family. The principal wage earner is defined as the parent who earned the greater amount of income during the 24 month period prior to application for assistance or who earned the greater amount of income during the 24 month period prior to the date of change in the cause of dependency, i.e., the date that there is no longer an absent parent or incapacity ended for one of the parents (see Section 112.62(a) for a definition of "incapacity").

- c) As a condition of eligibility, the unemployed parent who is the principal wage earner must:

- 1) Apply for Unemployment Insurance (UI) benefits for which he has been referred by the Department, and
- 2) Accept any Unemployment Insurance benefits for which he is eligible.

- d) In the counties of Franklin, Macon, Peoria, Tazewell, Vermilion, and Winnebago for cases which are assigned to a control group for the Family Responsibility Project, as a condition of eligibility for cash assistance, the unemployed parent who is the principal wage earner must:

- 1) Participate or be available for participation in Project Chance (see Sections 112.70 thru 112.83) unless exempt.
- 2) Register for employment at the Department of Employment Security's Job Service Office if exempt from Project Chance due to remoteness (see Section 112.71).

- e) A parent who is the principal wage earner is unemployed if:

- 1) The parent is working for an employer or is self-employed but is working less than 100 hours per month. If employment equals or exceeds 100 hours during a particular month, the parent may still be considered unemployed if he was employed for less than 100 hours for the prior two months and is expected to be employed for less than 100 hours for the following month.
- 2) The parent is not working and he has not worked at least 30 days prior to the receipt of assistance.

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Section 112.64(e) (continued)

- 3) The parent has not refused an offer of suitable and available employment without good cause for at least 30 days prior to the receipt of assistance.

*Agency Note: Regardless of the application date, the initial authorization may not include assistance for any portion of the 30 day period since discontinuation of or refusal to accept an offer of employment.

- f) In the counties of Franklin, Macon, Peoria, Tazewell, Vermilion and Winnebago for cases which are assigned to a control group for the Family Responsibility Project, the principal wage earner is unemployed if he/she has established a connection with the labor force by meeting one of the conditions below:

- 1) The principal wage earner received Unemployment Insurance benefits within one year prior to the date of the AFDC application, or within one year prior to the date the cause of dependency changed to unemployment of the parent.
- 2) The principal wage earner has at least six work quarters within any consecutive 13 calendar quarters within 16 calendar quarters immediately preceding the quarter during which application for AFDC is made or the date the cause of dependency changed to unemployment of the parent. No more than four (4) of the six (6) may be quarters of work defined in subsection (f)(2)(B)(iii) below.

- A) A "calendar quarter" is defined as three calendar months:

January through March,
April through June,
July through September, or
October through December

- B) A "work quarter" is defined as a calendar quarter in which the parent:

- i) Earned at least \$50; or
- ii) Participated in the Project Chance Program (see Sections 112.70 thru 112.83); or
- iii) Attended full-time an elementary or secondary school or an approved vocational or technical training course (see Sections 112.130 and 112.140) that is designed to

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Section 112.64(f)(2)(B)(iii) (continued)

prepare the parent for gainful employment or participated in an education or training program established under the Job Training Partnership Act (JTPA) (29 U.S.C. 1501 et seq.).

- C) The principal wage earner performed work which would have qualified him for Unemployment Insurance Benefits if he had applied. The determination of whether he would have qualified is made by establishing that during any consecutive four of the first eight of the nine calendar quarters immediately preceding the quarter in which AFDC-U application is made, or that during any consecutive four of the first eight of the nine calendar quarters immediately preceding the quarter in which the cause of dependency changed to unemployment of the parent:

- i) Earned a total of at least \$1600 gross, and
- ii) Earned at least \$440 gross in 3 of the 4 quarters excluding the quarter in which the earnings were the highest.

g) Except for cases assigned to a control group in the counties of Franklin, Macon, Peoria, Tazewell, Vermilion, and Winnebago: sections (d) and (f) do not apply to AFDC-UP cases in the Family Responsibility Project.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART C: PROJECT CHANCE

Section 112.70 Participation Requirements For Project Chance

Sections 112.70 through 112.83 describe Project Chance employment, education, and training participation requirements for AFDC clients. The purpose of Project Chance is to assure that needy individuals and families obtain education, training and employment that will help avoid long-term welfare dependence. Project Chance will focus on enhancing the long-term employability of AFDC clients by assessing the individual capabilities of each program participant, allow to the greatest extent possible the individual's preferences in completing the employability plan and matching the participant to a suitable activity. The program will offer a wide variety of intensive activities aimed at assisting the participant to acquire the education and or skills needed to meet the demands of the current labor market as well as in the future. Upon completion of the individuals education and/or training all

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Section 112.70 (continued)

participants will seek employment as part of the employability plan. To the extent possible, the program will have as its first priority individuals, whether exempt or non-exempt, who volunteer to participate. The Department will decide the categories of individuals who can participate in Project Chance based upon budget analysis of component costs and supportive service costs for each category of individuals and in keeping with Federal Jobs participation requirements.

- a) Both exempt and non-exempt individuals receiving AFDC may participate in Project Chance when state resources permit. All non-exempt individuals receiving AFDC are required to participate in Project Chance only to the extent there are resources available to serve individuals other than volunteers. Participation in component activities may be mandated for non-exempt individuals. One parent in the AFDC-U case must participate in the Unemployed Parent Work Experience component unless he/she is exempt under one of the exemption criteria (see Section 112.71). If one parent is exempt, the other parent must participate in the Unemployed Parent Work Experience component unless he/she is also exempt. Participation may be limited for non-exempt and exempt individuals based on component cost or available funds for supportive services for participating individuals. Dependent children under sixteen (16) who are not parents cannot participate in Project Chance unless they are participating in the Youth Employment and Training Initiative.

- b) Project Chance services will be offered to exempt and non-exempt individuals who wish to volunteer to participate.

- 1) Volunteers will be served first. However, participation may be mandated for non-exempt individuals if needed to serve adequate numbers in the target populations, or if state resources are available to provide services beyond this volunteer population. Exempt and non-exempt individuals who volunteer to participate become a program participant upon completion of the Initial Assessment, development of the employability plan, and assignment to a component (see Section 112.74). Participation may be limited for volunteers if state resources are insufficient. A waiting list will be established by geographical area to serve those on waiting lists in each geographical area. Volunteers who fail to attend the orientation and/or Initial Assessment meetings will not be sanctioned. However, non-exempt volunteers who attend the orientation meeting and become program participants by completing the Initial Assessment, development of the employability plan, and assignment to a component may be sanctioned if they thereafter do not meet program requirements

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Section 112.70(b)(1) (continued)

without good cause (see Section 112.79). Non-exempt individuals who are mandated to participate but fail to attend the orientation meeting or to complete the Initial Assessment without good cause may be sanctioned.

2) The priority that volunteers will be served is:

- A) non-exempt volunteers from the target groups;
- B) exempt volunteers from the target groups;
- C) non-exempt volunteers other than the target groups;
- D) exempt volunteers other than the target groups; and
- E) non-volunteers.

c) Project Chance participation may be mandated to the extent resources allow and to the extent needed to meet Federal program requirements and maintain a program that is balanced between education and training services and placement sources for job ready individuals. If it is determined that Project Chance participation must be mandated, this shall be done in the following order:

- 1) recipients of Aid to Families with Dependent Children - Unemployed (AFDC-U) who are in the target groups specified in Section 112.70(d);

- 2) recipients of AFDC-U not in the target groups;

- 3) recipients of regular Aid to Families with Dependent Children (AFDC) whose youngest child is at least age 16;

- 4) recipients of AFDC on assistance at least three (3) of the last five (5) years; and

- 5) recipients of AFDC under the age of twenty-four (24) who have not completed high school.

d) Project Chance resources will be targeted to the following groups:

- 1) current recipients who have received AFDC for any thirty-six (36) of the preceding sixty (60) months;

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Section 112.70(d) (continued)

- 2) applicants for AFDC who have received AFDC for any thirty-six (36) of the sixty (60) months immediately preceding the most recent month for which application has been made;

- 3) custodial parents under age twenty-four (24) who have not completed high school or have little or no work experience within the preceding year; or

- 4) members of families in which the youngest child is within two (2) years of being ineligible for AFDC because of age.

- e) A custodial parent under age twenty (20) who has not completed a high school education (or its equivalent) is not exempt from participation in educational activities directed toward obtaining a high school diploma (or equivalent) because of the age of the youngest child (see Section 112.71). Full-time participation (as defined by the educational provider) is required even if the individual's youngest child is under age six (6). This requirement is conditioned upon provision to the young parent of all necessary child care services.

- f) A custodial parent age sixteen (16) or seventeen (17) may be excused from educational activities directed toward obtaining a high school diploma (or equivalent) if the parent is unable to participate due to his or her own mental or physical illness or that of his or her spouse or child, is homeless, or is experiencing family or personal crisis.

- g) A custodial parent who is age eighteen (18) or nineteen (19) may participate in training or work activities instead of educational activities if one of the following conditions is met:

- 1) prior to any assignment of the parent to educational activities, it is determined, based on an educational assessment and the employment goal established in the parents' employability plan, that participation in educational activities is not appropriate; or

- 2) the parent fails to make good progress in successfully completing educational activities, and it is determined based on an individual assessment, and the employment plan that the educational activity is not appropriate.

- h) Individuals age twenty (20) or over who have not completed a high school education (or equivalent) must participate in educational activities consistent with the employment goal established in the employability plan unless:

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- 1) the individual reads at the 9.9 grade level; or
- 2) the long term employment goal identified in the individual's employability plan does not require a high school diploma (or equivalent); or
- 3) the individual reads below the 9.9 grade level, and it is determined based on the individual's assessment that the individual does not possess the aptitude to progress in an educational program and does not wish to participate in an educational program.

i) A parent or other relative personally caring for a child under age six (6) will not be required to participate in Project Chance for more than twenty (20) hours per week except as specified in subsection (e) above.

j) Children in AFPC cases who are ages 14-18 and attend school may be required to participate in the Youth Employment and Training Initiative under the Project Chance Program.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 112.71 Individuals Exempt From Project Chance

a) An individual shall be exempt from Project Chance participation when that individual:

- 1) Is age sixteen (16) through eighteen (18) in full-time elementary, secondary grades 9-12 or equivalent vocational/technical school attendance unless the child is required to participate in the Youth Employment and Training Initiative. If the individual loses this exemption because he/she is no longer in school, the exemption is no longer applicable even if the individual returns to school;
- 2) Temporary and Chronic Illness or Injuries
 - A) Temporary Illness and Injuries
 - i) Is temporarily ill or chronically ill. An individual is temporarily ill, when determined by the local office, on the basis of medical evidence (e.g., statement from a medical provider) or on another sound basis that the illness/injury is serious enough to

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Section 112.71(a)(2)(A)(i) (continued)

temporarily prevent the individual from engaging in employment or participating in Project Chance. A sound basis for exemption from Project Chance on a temporary basis includes but is not limited to: the observation of a cast on a broken leg or the client provides information of a scheduled surgery or recuperation from surgery;

ii) Minor ailments and injuries, such as colds, broken fingers or rashes are not serious enough normally to exempt the individual under this criterion;

B) An individual is chronically ill or incapacitated, as determined by the local office, when a physician or licensed/certified psychologist finds that a physical or mental impairment, either by itself or in conjunction with age or other factors, prevents the individual from engaging in employment or participating in Project Chance. This may include a period of recuperation after childbirth if prescribed by a woman's physician;

C) When an individual is determined either temporarily or chronically ill or incapacitated, the exemption shall continue until further action is taken by the Department. When the exemption is initially granted, the Department will establish a date as to when the condition warranting the exemption is expected to end or when review of the case will be reevaluated to determine whether the exempted individual continues to be exempt under the same procedures as for the initial determination of exemption, with appropriate notice to the individual that the reevaluation is necessary;

3) Is under age sixteen (16), or is age sixty (60) years or older unless the child is required to participate in the Youth Employment and Training Initiative;

4) Resides in an area remote from the Project Chance office or service unit so that effective participation in the program is precluded. The individual is considered remote if a round trip of more than two (2) hours by reasonably available public or private transportation, exclusive of time necessary to transport children to and from a child care facility, would be required for a normal work or training day or if an individual has no means of transportation available;

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Section 112.71(a) (continued)

- 5) Has another household member for whom that individual must provide full-time care;
- 6) Is the parent or other caretaker relative of a child under age three (3) in the home (other than a minor parent under age twenty (20) without a high school diploma or equivalent who is required to participate in education) who is personally providing care for the child. Only one person in a case may be exempt for this reason.

7) Employment

- A) Is employed 30 hours or more per week;
- B) This exemption continues to apply if there is a temporary break in full-time employment expected to last no longer than ten (10) work days.
- 8) Is in the 4th month of pregnancy or later; or
- 9) Is a person enrolled full-time as a VISTA volunteer under Title I of the 1973 Domestic Volunteer Services Act (42 USC 4951 et seq.).

- b) Individuals who request an exemption from participation in Project Chance shall do so in writing with the assistance of the Project Chance worker or other Department staff, if needed, and shall receive a written notice of decision on such request within forty-five (45) days. Requests for an exemption may be made at:

- 1) application for assistance;
- 2) orientation;
- 3) assessment;
- 4) reassessment;
- 5) AFDC eligibility redeterminations;
- 6) client's request; or

- 7) whenever information received by the Department indicates the possibility of an exemption.

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Section 112.71 (continued)

- c) Exempt individuals may volunteer for Project Chance.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 112.81 Responsible Relative Eligibility For Project Chance

Only a responsible relative with no net income because of unemployment and who resides in Illinois and is not receiving General Assistance in the City of Chicago and has children receiving AFDC in Illinois shall be eligible for Project Chance services. A responsible relative who is participating in the Paternal Involvement Project shall be eligible for Project Chance.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section 112.130 Earned Income

- a) All currently available income which is not specified as exempt shall be considered in the determination of eligibility and the level of the assistance payment.
- b) Earned income is remuneration acquired through the receipt of salaries or wages for services performed as an employee or profits from an activity in which the individual is self-employed.
- c) In determining eligibility and level of assistance, the following shall be considered:
- 1) the earned income of a stepparent of an AFDC child if the stepparent lives with the assistance unit and is not an SSI recipient;
 - 2) the earned income of a parent of a person under age 18 who is receiving assistance as a parent or dependent child if they are all living in the same household. This provision does not apply if the parent receives SSI.
- d) Except for those recipients that are in the experimental group for the Homeless Families Support Project (See Section 170.30), the amount of the total available income of the stepparent or parent under subsection (c) above shall be the income remaining after the following amounts have been deducted:

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Section 112.130(d) (continued)

- 1) As employment expenses, \$90.00 from the gross earned income or income remaining after deducting self-employment business expenses for an employed person (see Section 112.145).
- 2) An amount equal to the Department's Standard of Need for a family size taking into account the needs of the stepparent or parent, and the needs of individuals residing with the stepparent or parent not included in the assistance unit whom the stepparent or parent claims or could claim as federal tax dependents;
- 3) Amounts paid by the stepparent or parent for alimony or child support to individuals outside the home;
- 4) Amounts paid by the stepparent or parent to individuals outside the home whom the stepparent or parent claims or who could be claimed as federal tax dependents.
- e) Earned income received through the Job Training Partnership Act by all dependent children is exempt for six (6) months each year from comparison to 185% of the Standard of Need (see 89 Ill. Adm. Code 110.10 to 110.100).
- f) Earned income received through the Job Training Partnership Act by dependent children who are full-time students or who are part-time students and not employed full-time (working 100 hours or more per month) is exempt in determining the AFDC grant (see Section 112.140 for a definition of "full-time student" and "part-time students"). Participants in Job Corps are considered students.
- g) Earned income received through the Job Training Partnership Act by dependent children who are not students as described in subsection (f) above is exempt for only six months each year in determining the AFDC grant.
- h) Earned income received by all dependent children who are full-time students or part-time students who are not full-time employed is exempt for six (6) months each year from comparison to 185% of the Standard of Need.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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Section 112.137 Termination of Employment

If a recipient reports and verifies that employment has ended income received during all budget months will be used to determine the grant in all corresponding payment months. This does not apply to members of the control group for the Income Budgeting Project (See Section 170.50).

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 112.141 Earned Income Exemption

The following is applicable to all except participants in the Homeless Families Support Project (See Section 170.30):

- a) After the \$90.00 disregard for employment expenses is allowed (see Section 112.130), the first \$30.00 of the combined earned income of each employed person (excluding exempt earned income in Sections 112.131 and 112.140) plus one-third of the remainder shall be exempt from consideration for four (4) consecutive months.
- b) After the \$30.00 plus one-third has been allowed for four (4) consecutive months, \$30.00 shall be exempt for an additional eight (8) consecutive months.
- c) Once the \$30.00 plus one-third exemption has been allowed for four (4) consecutive months and the \$30.00 exemption has been allowed for an additional eight (8) consecutive months, the earned income deduction shall not be allowed again until the individual has not received cash assistance for twelve (12) consecutive months.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 112.142 Exclusion From Earned Income Exemption

The earned income exemption shall not apply:

- a) When determining initial eligibility unless the wage earner was a member of an assistance unit which received an AFDC grant payment for any one of the four preceding months (\$0 grant status because of application of the \$10.00 limit on payments is included as receiving an AFDC grant). However, if the assistance unit is determined eligible without the earned income exemption, the earned income shall be recalculated with the earned income exemption applied.

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Section 112.142 (continued)

- b) When the earned income exemption has been allowed for four (4) consecutive months, unless and until the person has not received AFDC benefits for twelve (12) consecutive months except for participants in the Homeless Families Support Project (See Section 170.30).
- c) If any individual included in the assistance unit other than a dependent child:
 - 1) Terminated employment or reduced earned income without good cause within the period of 30 days preceding such month, or
 - 2) Refused without good cause, within the period of 30 days preceding such month, to accept employment in which the individual was able to engage and which has been determined to be a suitable, available offer of employment, or
 - 3) Fails without good cause to report income in a timely manner.
- d) When the person is requesting AFDC after being voluntarily terminated to avoid receiving the exemption for four (4) consecutive months.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 112.143 Recognized Employment Expenses

- a) For earnings from self-employment and rental property, an amount equal to the expenses directly attributable to producing goods or services or an amount equal to the expenses of rental shall be deducted from income.
- b) For employment expenses, \$90.00 shall be deducted from the gross earned income of each employed individual except for participants in the Homeless Families Support Project (See Section 170.30).
- c) The employment expense allowance is not available to an individual for any month in the following situations:
 - 1) The individual terminated employment or reduced earned income without good cause (see Section 112.302(f)(1) thru (3) for what constitutes good cause) within the period of 30 days preceding such month, or
 - 2) The individual refused without good cause, within the period of 30 days preceding such month, to accept employment in which the

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Section 112.143(c)(2) (continued)

- individual was able to engage and which has been determined to be a suitable, available offer of employment, or
 - 3) The individual fails without good cause to report income in a timely manner, or
 - 4) The individual voluntarily requests AFDC assistance to be terminated to avoid receiving the earned income exemption for four consecutive months. (See Sections 112.140 and 112.142).
- d) Child Care
- 1) Expenses of child care shall be deducted from income up to a maximum of \$200.00 per child for each child under age two (2) and \$175.00 for each child age two (2) or older.
 - 2) The child care deduction is not allowed when the child care provider is a responsible relative (see 89 Ill. Adm. Code 103.10(b)) of the child receiving care.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 112.145 Earned Income From Self-Employment

- a) Income realized from self-employment shall be considered earned income.
- b) Accurate and complete records shall be kept on all monies received and spent through self-employment. If the individual fails or refuses to maintain complete business records, the assistance unit shall be ineligible.
- c) Business expenses shall be verified. The individual shall have full responsibility for proof of any business expense. No deduction shall be allowed for depreciation, obsolescence and/or similar losses in the operation of the business. Gross income from the business shall be turned back into the business only to replace stock actually sold.
- d) The net income shall be the gross remaining after the replacement of stock and business expenses have been considered, and the \$90.00 appropriate employment expenses (see Section 112.143). The earned income exemption, if applicable, shall then be computed and deducted from the remaining earned income. The child care expenses (see Section 112.143) shall then be deducted from the remaining earned

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Section 112.145(d) (continued)

income for participants in the Homeless Families Support Project (See Section 170.30).

(Source: Amended at 17 Ill. Reg. ____, effective ____)

Section 112.152 Asset Disregards

Except for participants in the Homeless Families Support Project (See Section 170.30), in addition to the exempt assets listed in Section 112.151, the Department disregards \$1,000.00 equity value of other resources.

(Source: Amended at 17 Ill. Reg. ____, effective ____)

SUBPART I: OTHER PROVISIONS

- Section 112.302 Monthly Reporting
- a) Information reported and groups reporting:
- 1) Each assistance unit in the following groups must submit monthly a written completed report form to the Department on
- A) income, assets, family composition and other factors pertinent to AFDC eligibility for the budget month, and
 - B) any changes in these factors which the unit expects to occur in the current or future months.
- 2) The groups which must report monthly are:
- A) Families earning income;
 - B) Families who are receiving unemployment insurance benefits; and
 - C) Families who have lost employment within the last three months.
- b) All AFDC units which must report monthly shall have benefits calculated by considering income and attendant circumstances (such as employment expenses and day care expenses) on a retrospective basis.

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- Section 112.302 (continued)
- c) When the completed monthly report is received on time the Department will determine if eligibility continues and process any adjustments to the payment. The Department will notify the caretaker relative of any changes in the payment and the reason(s) for the change. If the AFDC grant is being reduced or terminated as a result of information contained in the report, the notification will be mailed to arrive no later than the payment or the day the payment would have arrived. The client will have ten days from the mail date of the notice to request a hearing in order to receive reinstatement.
- d) If the Department does not receive the monthly report or receives only an incomplete report, AFDC may be terminated. The Department must send the client a notice of the action to arrive not later than the date the payment would have been made if the Department had received a completed monthly report on time. If the client files a completed report within ten days of the date of this notice, the replacement form will be accepted and an AFDC payment will be made if the information on the form indicates the family is still eligible. If the family is found ineligible or eligible for a grant less than that of the prior month, the Department will promptly notify the client of the right to a fair hearing and the right to have assistance reinstated. If a hearing is requested within ten days, assistance is reinstated to the level of the prior month.
- e) When the completed report is received late, if the family is found ineligible or eligible for a grant less than that of the prior month, the Department will promptly notify the client of the right to a fair hearing and the right to have assistance reinstated. If a hearing is requested within ten days, assistance is reinstated to the level of the prior month.
- f) If a completed monthly report is received but not on a timely basis, and the client has earnings, the Department will provide the client with the opportunity to show good cause for not filing the report timely. In order to be timely, a report must be received or postmarked by the fifth (5th) day of the fiscal month following the budget month. (A fiscal month is a month that starts with a given day in one calendar month and ends with the day before the same given day in the next calendar month.) If good cause exists the applicable earned income disregards for work expenses, child/disabled adult care, and the earned income exemption (30 + 1/3) will be applied to earnings if appropriate for participants in the Homeless Families Support Project (See Section 170.30). If good cause does not exist, the income disregards are not applied. Good cause exists if circumstances beyond the reasonable control of the client prevented

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Section 112.302(f) (continued)

the timely submittal of a completed monthly report. Factors to be considered in determining whether good cause exists include, but are not limited to, the following:

- 1) Did the client have an opportunity to submit the report on time?
- 2) Does the client have a history of submitting his/her monthly report on time?
- 3) Is there any reason to doubt the client's claim of good cause (i.e., repeated claims of good cause)?

g) The Department will notify all caretaker relatives of their responsibility to promptly report expected changes in income, resources, and other factors relevant to AFDC eligibility and payment amount. All AFDC caretaker relatives will be informed of the penalty of loss of income disregards if initial earnings are not promptly reported or the completed required monthly report is not filed timely. All AFDC caretaker relatives will be informed of what constitutes prompt reporting of expected changes and what constitutes timely submission of monthly reports.

h) All AFDC caretaker relatives who are required to file monthly reports will be notified of their responsibility, receive a complete explanation of the requirements, and be informed of the due date for the first report.

(Source: Amended at 17 Ill. Reg. ____, effective ____)

Section 112.303 Retrospective Budgeting

a) All AFDC recipients shall have income and attendant circumstances budgeted on a retrospective basis, whether or not they must report monthly except those participating in the Income Budgeting Project. (See Section 170.50).

b) Eligibility for AFDC is first determined on a prospective basis for all eligibility factors. If eligible on this prospective basis, the actual amount of benefits the unit is entitled to receive shall be determined by budgeting income and attendant circumstances retrospectively. For participants in the Income Budgeting Project, earnings shall be budgeted prospectively for the first two months and retrospectively thereafter. At intake, however, income and attendant circumstances shall be budgeted prospectively for two months before beginning retrospective budgeting in the third month.

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Section 112.303 (continued)

c) The budget month is the fiscal month from which the Department uses income and attendant circumstances to determine the amount of assistance the unit is entitled to receive. The payment month is the fiscal month which the assistance grant covers. The payment month is the second fiscal month following the budget month.

d) The Department may supplement a recipient's assistance grant due to a loss of income in the payment month (see Section 112.138).

e) When a recipient whose assistance is discontinued reapplies for the same fiscal month assistance was discontinued, the recipient's income is budgeted retrospectively as if no interruption in assistance occurred. This does not apply to participants in the Income Budgeting Project whose cases are cancelled in the first two payment months of initial employment.

(Source: Amended at 17 Ill. Reg. ____, effective ____)

Section 112.330 Extension of Medical Assistance Due to Increased Income from Employment

a) A six (6) month extension of medical assistance shall be provided for AFDC cases when AFDC assistance is terminated due to increased hours or increased income from employment. This extension shall begin with the AFDC case's first month of ineligibility. Ineligibility may result from initial or increased earnings.

b) Except for those AFDC cases in the Homeless Families Support Project, the initial six (6) month medical assistance period can be extended for a total of six (6) additional months. Eligibility for an extension beyond the initial six (6) month period shall exist if:

- 1) the Medical Extension Report Forms are returned by the due date;
- 2) an eligible child is still in the home;
- 3) the client's earnings from the past three (3) months minus child care costs are less than 185% of the poverty line except for those AFDC cases in the Homeless Families Support Project; and
- 4) the client has not quit employment without good cause.

(Source: Amended at 17 Ill. Reg. ____, effective ____)

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SUBPART K: TRANSITIONAL CHILD CARE

Section 112.404 Duration of Eligibility for Transitional Child Care

- a) Eligibility for transitional child care begins with the first month for which the family is ineligible for AFDC, as described at Section 112.400, and continues for a period of twelve (12) consecutive months.
- b) Families may establish eligibility for transitional child care in any month of the twelve (12) month eligibility period, and eligibility may be retroactive to the first month for which the family would have been eligible in accordance with subsection (a) above.
- c) If the caretaker relative loses a job with good cause, and finds another job, the family can qualify for the remaining portion of the twelve (12) month eligibility period.
- d) If the family re-establishes eligibility for AFDC during the twelve (12) month period, it could qualify for a new twelve (12) month eligibility period if it meets the other conditions of eligibility.
- e) If the family is a participant in the Homeless Families Support Project, they are eligible for twenty-four (24) months of transitional day care as stated in subsection (a) through (d). (See Section 170.30).

(Source: Amended at 17 Ill. Reg. ____, effective ____)

Section 112.406 Loss of Eligibility for Transitional Child Care

The family is not eligible for transitional child care under this Subpart for any remaining portion of the twelve (12) month period or twenty-four (24) month period if the family is part of the Homeless Families Support Project (See Section 170.30), if the caretaker relative:

- a) terminates employment without good cause;
- b) fails to cooperate with the Department in establishing payments and enforcing child support obligations as set forth at 89 Ill. Adm. Code 160.

(Source: Amended at 17 Ill. Reg. ____, effective ____)

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- 1) Heading of the Part: Demonstration Programs
- 2) Code Citation: 89 Ill. Adm. Code 170
- 3) Section Numbers: Proposed Action:

170.10	New Section
170.20	New Section
170.30	New Section
170.40	New Section
170.50	Amendment
- 4) Statutory Authority: Sections 11-20, 12-13 and 12-4.28 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 11-20, 12-13 and 12-4.28) [305 ILCS 5/11-20, 5/12-13 and 5/12-4.28]
- 5) Complete Description of the Subjects and Issues Involved: These proposed amendments will enable the Department to implement the Fresh Start Welfare Reform Demonstration. Fresh Start is the State of Illinois' Welfare Reform package for AFDC. In related rulemaking amendments to Part 112 are being proposed to add necessary references to these Fresh Start provisions in the AFDC rules.

The five individual components of the Fresh Start Welfare Reform Demonstration are the following: the Youth Employment and Training Initiative, the Paternal Involvement Project, the Homeless Families Support Project, the Family Responsibility Project and the Income Budgeting Project. In those components where random assignment is to be used to determine group membership, families will be randomly assigned to one of two groups: an experimental group, which will be subject to the provisions applicable to the component, and a control group, which will not be affected by the provisions.

1. The Youth Employment and Training Initiative

The Youth Employment and Training Initiative is proposed as a Youth Component of JOBS. The purpose of the demonstration project is to determine if by mandating participation of youth (14 to 20 years old) in the JOBS program, the cycle of intergenerational welfare dependency will be broken. The primary focus of the demonstration is on education and training directly linked to high school graduation and employment.

The Department will implement for children in families eligible to receive assistance under AFDC-R or AFDC-U in the experimental group the following provisions:

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- Require that individuals 14 through 20 years old in AFDC families continue enrollment and attendance in education or vocational training courses.
- Consider participants as mandatory JOBS participants for purposes of defining good cause and implementing conciliation, fair hearing and sanction policies.

The evaluation for this component will measure differences for the following outcomes: high school completion, drop-out rates, grade point averages, school attendance, teen pregnancies, hours of employment and earnings after high school completion, and AFDC and Medicaid payments.

2. The Paternal Involvement Project

The purpose of the Paternal Involvement Project is to demonstrate that non-custodial fathers of AFDC children will have a greater financial and emotional involvement with their children after they receive employment training through the JOBS program. The project will be conducted at three sites in the city of Chicago: The Chicago Institute for Economic Development, The Neighborhood Institute, and Chicago Commons/Mary McDowell Settlement House.

The Department will provide JOBS program services to non-custodial parents who:

- are between 18 and 35 years old upon program entry,
- are eligible to receive Food Stamp benefits,
- have a child(ren) receiving AFDC,
- agree to participate in the demonstration for at least 2 years,
- secure the custodial parent's consent to participate, and
- have paternity adjudicated or agree to have paternity legally established upon entry.

The evaluation for this component will measure differences for the following outcomes: employment rates; hours and length of employment; amount of earned income; child support collections; incidence of contact between non-custodial parents and their children; and AFDC payments to children of demonstration participants.

3. The Homeless Families Support Project

The Homeless Families Support Project is a four year demonstration program of experimental design operated by the Department in cooperation with Catholic Charities of Joliet and Chicago Coalition for the Homeless or their successor agency. The purpose of the demonstration program is to determine if enhanced employment

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incentives to homeless AFDC recipients will lead to long-term employment, a more stable environment and enable the client to achieve self-sufficiency.

A minimum total of 600 homeless families receiving AFDC from three sites, one each in Cook County, Dupage County and Will County, will be randomly assigned to either an experimental group or a control group. The Department will implement for families assigned to the experimental group the following provisions:

- Provide families during the first two consecutive years of employment alternative earned income disregards to allow them to realize a monthly income up to the level of the Department's standard of need for their family size. After two years the Department will revert to the standard AFDC earned income disregard for these families.
- Increase the family asset limitation to \$3,000.
- Extend Transitional Child Care benefits from 12 to 24 months for families terminated for reason of earned income and without regard to AFDC receipt in 3 of the 6 months preceding ineligibility by reason of earnings and hours of work.
- Extend transitional Medicaid eligibility, without regard to income, from 12 to 24 months for families terminated for reason of earned income.
- Provide emergency assistance payments to a family more frequently or for a longer period than 30 days in any 12 month period, not to exceed 6 months in any 12 month period.

The evaluation for this component will measure differences for the following outcomes: time spent in homeless shelters; employment rates; hours and length of employment; amount of earned income; total family income; AFDC, Medicaid, and Food Stamp payments; the incidence of AFDC receipt; exit and recidivism rates for AFDC; and receipt of child care benefits.

4. The Family Responsibility Project

The purpose of the Family Responsibility Project is to demonstrate that allowing two-parent families to qualify for AFDC-UP will help these families achieve self-sufficiency sooner and have a lower recidivism rate than families who have been denied AFDC-UP. The Department will include all AFDC-U cases in the demonstration. In six large offices which will serve as research offices, the Department will randomly assign a minimum total of 2400 families

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receiving or applying for assistance under the AFDC-U program to either an experimental or control group.

The Department will implement for AFDC-U program families in the experimental group and AFDC-U cases in non-research offices in the State the following provisions:

In determining program eligibility, disregard the 100 hour per month employment rule, the quarters of coverage (attachment to the work force) requirement, the 30 day unemployment prior to application condition, and the restriction on refusal of bona fide offers of employment.

The evaluation for this component will measure differences for the following outcomes: employment rates; hours and length of employment; amount of earned income; total family income; AFDC, Medicaid, and Food Stamp payments; the incidence of AFDC receipt; exit and recidivism rates for AFDC; and receipt of child care benefits.

5. The Income Budgeting Project

The purpose of the Income Budgeting Project is to demonstrate that a combination of prospective and retrospective budgeting of earned income encourages AFDC recipients to accept employment. The Department will randomly assign all cases in a site with at least 2500 current cases to either an experimental or control group and continue random assignment of new cases over a two-year period. Except for the cases in the control group, all earned income cases in the State will use the demonstration budgeting policy described below. The control group will use the current budgeting policy.

The demonstration budgeting policy will entail the following provisions:

- When earned income is discovered or reported, all earned income will be budgeted prospectively for the first two months that budgeting is administratively possible. Thereafter, earned income is budgeted retrospectively.
- When employment is terminated, the last month during which earnings were received will be the last month in which income is budgeted retrospectively.

The evaluation for this component will measure differences for the following outcomes: employment rates; hours and length of employment; amount of earned income; AFDC, Medicaid, and Food Stamp payments; the incidence of AFDC receipt; exit and recidivism rates for AFDC.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Judy Umunna, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave. E., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.

12) Initial Regulatory Flexibility Analysis:

- A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Not applicable
- B) Types of small businesses affected: None
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER 9: DEMONSTRATION PROGRAMS

PART 170

DEMONSTRATION PROGRAMS

SUBPART A: EARLY-ACCESS-PROGRAM-(Repealed) THE FRESH START WELFARE REFORM
DEMONSTRATION PROGRAM

Section

170.10 The Youth Employment and Training Initiative
170.20 The Paternal Involvement Project
170.30 The Homeless Families Support Project
170.40 The Family Responsibility Project
170.50 Early-Access-Program-(Repealed) The Income Budgeting Project

SUBPART B: THE CAREER ADVANCE PROGRAM

Section

170.100 The Career Advancement Program
170.110 Career Advancement Experimental and Control Groups
170.120 Career Advancement Participation Requirements of Experimental Group Members
170.130 Career Advancement Supportive Services for Experimental Group Members

SUBPART C: COMMUNITY GROUP PARTICIPATION PROGRAM

Section

170.200 Community Group Participation Program

AUTHORITY: Implementing and authorized by Sections 11-20, 12-13 and 12-4.28 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989 1991, ch. 23, pars. 11-20, 12-13 and 12-4.28)[305 ILCS 5/11-20, 5/12-13 and 5/12-4.28]

SOURCE: Adopted at 13 Ill. Reg. 14067, effective August 23, 1989; amended at 14 Ill. Reg. 19320, effective November 30, 1990; amended at 17 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

SUBPART A: EARLY-ACCESS-PROGRAM-(Repealed) THE FRESH START WELFARE REFORM
DEMONSTRATION PROGRAM

Section 170.10 The Youth Employment and Training Initiative

a) The Youth Employment and Training Initiative is a four year demonstration program of experimental design operated by the Department. The Youth Employment and Training Initiative is proposed as a Youth Component of JOBS. The purpose of the demonstration program is to determine if by mandating participation of youth (14 to 20 years old) in the JOBS program (See 89 Ill. Adm. Code 112.70 through 112.82), the cycle of intergenerational welfare dependency will be broken. The primary focus is on education and training directly linked to high school graduation and employment.

b) Selection Criteria

The Department will randomly select for participation in the control or experimental groups of the Youth Employment and Training Initiative subjects who are:

- 1) included in an AFDC grant case.
- 2) enrolled as a student in the City of Chicago in a high school which has been selected as a test and/or as a control site, and
- 3) 14 to 20 years of age.

c) Participation Requirements

Individuals randomly selected for mandatory participation in the demonstration program are subject to and must comply with the terms, conditions and requirements of 89 Ill. Adm. Code 112.70 through 112.82. However, the provisions of Section 112.70(a) which exempts from JOBS dependent children under sixteen (16) who are not parents is not applicable. Additionally, the provision of Section 112.71(a)(1) and (3) which exempts from JOBS a dependent child age sixteen (16) through eighteen (18) in full-time elementary, secondary grades 9-12 or equivalent vocational/technical school attendance and a dependent child under the age of sixteen (16) is not applicable.

d) Experimental and Control Groups

- 1) The individuals selected pursuant to subsection (b) above must comply with JOBS requirements pursuant to subsection (c) above. Individuals will be randomly assigned to one of the following groups:

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NOTICE OF PROPOSED AMENDMENTS

Section 170.10(d)(1) (continued)

- A) an experimental group which shall consist of those individuals who must comply with the requirements of subsection (c) above; or
- B) a control group which shall consist of those individuals who meet the criteria of subsection (b) above but are not mandated to comply with the requirements of subsection (c) above.
- 2) Individuals selected for the experimental group who fail/refuse to cooperate with JOBS requirements, without good cause, will be sanctioned pursuant to 89 Ill. Adm. Code 112.79.
- 3) As long as the Youth Employment and Training Initiative is in effect, a person designated as an experimental or control group member retains that designation for purposes of data collection regardless of subjects' continued participation in school or in the program.

(Source: Added at 17 Ill. Reg. _____, effective _____)

Section 170.20

The Paternal Involvement Project

- a) The Paternal Involvement Project is a federal waiver demonstration program operated by the Department of Public Aid. The purpose of the project is to demonstrate that non-custodial fathers of AFDC children will have a greater financial and emotional involvement with their children after they receive employment training through the JOBS program.

b) Selection Criteria

All participants currently enrolled in the Paternal Involvement Project and any new applicants are eligible to participate. Participation is voluntary, but participants must meet the following requirements:

- 1) have income that qualifies them for Food Stamps and be between the ages of 18 and 35;
- 2) agree to participate in the program for at least two years regardless of continued Food Stamp eligibility.

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Section 170.20(b) (continued)

- 3) have a child(ren) that receives AFDC and secure consent to have the family participate in the project from the child(ren)'s mother; and
- 4) agree to have paternity adjudicated upon entering the program if paternity has not been legally established.
- c) Supportive services will be provided to all participants enrolled in an education and training program.
- d) Participation Requirements
Individuals eligible for participation in the demonstration program are subject to and must comply with the terms, conditions and requirements for Project Chance contained in 89 Ill. Adm. Code 112.70 through 112.82. Participants are not subject to the terms, conditions and requirements of 89 Ill. Adm. Code 121.160, Food Stamp Employment and Training eligibility requirements.

e) Experimental and Control Groups

- 1) Experimental group. All individuals participating in the project will form the experimental group.
- 2) Control group. The control group consists of those individuals who meet the criteria of subsection (b) above and have volunteered to participate in the control group. The number of control group participants shall be 50% of the total number of project participants.

- f) As long as the Paternal Involvement Project is in effect, a person designated as an experimental or control group member retains that designation for purposes of data collection even if that persons's Food Stamp eligibility changes or if they leave the project.

(Source: Added at 17 Ill. Reg. _____, effective _____)

Section 170.30

The Homeless Families Support Project

- a) The Homeless Families Support Project is a four year demonstration program of experimental design operated by the Department in cooperation with Catholic Charities of Joliet and Chicago Coalition for the Homeless or their successor agency. The purpose of the demonstration program is to determine if enhanced employment incentives to homeless AFDC recipients will lead to long-term

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NOTICE OF PROPOSED AMENDMENTS

Section 170.30(a) (continued)

employment, a more stable environment and enable the client to achieve self-sufficiency.

b) Elements of the Homeless Families Support Project

The Homeless Families Support Project will implement the following provisions:

- 1) Provide families an alternative earned income disregard allowing them a disregard of two-thirds of their earnings. Child care will be treated as a recognized employment expense as defined in Section 112.143(b) or may be issued as a supplemental payment in accordance with the provisions of Section 112.364.
- 2) Increase the family asset limitation to \$3,000.
- 3) Extend Transitional Child Care benefits from twelve (12) to twenty-four (24) months for families terminated for reason of earned income and without regard to AFDC receipt in three (3) of the six (6) months preceding ineligibility by reason of earnings and hours of work.
- 4) Extend Transitional Medicaid eligibility, without regard to income, from twelve (12) to twenty-four (24) months for families terminated for reasons of earned income.
- 5) Extend emergency assistance payments to a family more frequently or for a longer period than thirty (30) days in any twelve (12) month period not to exceed six (6) months in any twelve month period. A client may receive the extended emergency assistance as long as the reason for the need is different in each circumstance.

c) Selection Criteria

The Department will randomly select for participation in the Homeless Families Support Project AFDC recipients who:

- 1) lack a fixed regular and adequate night time residence; those in shelters, temporary quarters, or living in places not designed for human habitation.
- 2) reside in either Will, Cook or DuPage County;
- 3) participate in a program operated by either Catholic Charities

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NOTICE OF PROPOSED AMENDMENTS

Section 170.30(c)(3) (continued)

of Joliet or Chicago Coalition for the Homeless or their successor agency; and

4) volunteer for the program.

d) Experimental and Control Groups

- 1) Individuals selected pursuant to subsection (c) above will be randomly assigned to one of the following groups:
 - A) an experimental group which shall consist of those individuals who will be entitled to the program enhancements. A total of 250 persons will be assigned to the experimental group from Will and DuPage Counties and a total of 50 persons will be assigned to the experimental group from Cook County; or
 - B) a control group which shall consist of those individuals who meet the criteria of subsection (c) above but will not be entitled to the program enhancements. A total of 250 persons will be assigned to the control group from Will and DuPage Counties and a total of 50 persons will be assigned to the control group from Cook County.
- 2) As long as the Homeless Families Support Project is in effect, a person designated as an experimental or control group member retains that designation even if that person leaves the project area or stops receiving AFDC.

(Source: Added at 17 Ill. Reg. _____, effective _____.)

Section 170.40 The Family Responsibility Project

- a) The Family Responsibility Project is a four year demonstration program operated by the Department of Public Aid. The purpose of the project is to demonstrate that allowing two-parent families to qualify for AFDC-UP will help these families achieve self-sufficiency sooner and have a lower recidivism rate than families who have been denied AFDC-UP.

b) Selection Criteria

All two-parent families who qualify for AFDC-UP on the basis of income and assets are eligible for this demonstration except in Franklin, Macon, Peoria, Tazewell, Vermilion and Winnebago Counties.

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NOTICE OF PROPOSED AMENDMENTS

Section 170.40(b) (continued)

In these counties participants will be randomly selected for participation.

c) Participation Requirements

Individuals eligible for participation in the demonstration project are no longer subject to nor must comply with the terms, conditions and requirements of AFDC-UP as listed in 89 Ill. Adm. Code 112.64, unless they are in the control group of the Family Responsibility Project.

d) Experimental and Control Groups

Individuals in Franklin, Macon, Peoria, Tazewell, Vermilion and Winnebago Counties will be randomly assigned to one of the following groups:

- 1) an experimental group which shall consist of those individuals who must comply with subsection (c) above; or
 - 2) a control group which shall consist of those individuals who meet the criteria of subsection (b) above but will not be mandated to comply with the requirements of subsection (c) above.
- e) As long as the Family Responsibility Project is in effect, a person designated as an experimental or control group member retains that designation for purposes of data collection even if that person's IDPA eligibility changes or if they move.

(Source: Added at 17 Ill. Reg. _____, effective _____)

Section 170.50 ~~Early-Access-Program~~-(Repealed) The Income Budgeting Project

- a) The Income Budgeting Project is a four year demonstration program of experimental design operated by the Department. The purpose of the project is to demonstrate that a combination of prospective and retrospective budgeting of earned income encourages AFDC recipients to accept employment.

b) Elements of the Income Budgeting Project

- 1) When a recipient reports that he has begun employment and a determination has been made that he remains eligible for AFDC, the earned income shall be budgeted prospectively for the first two months.

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NOTICE OF PROPOSED AMENDMENTS

Section 170.50(b) (continued)

- 2) After the first two months, the income shall be budgeted retrospectively.
- 3) An adjustment for under or overpayments which occurred during the first two months of prospective budgeting shall be made.
- 4) If a recipient reports and verifies that employment has ended, budgeting of earnings shall end with the first month of non-employment.

c) Selection Criteria

Participants in The Income Budgeting Project are:

- 1) All AFDC recipients who have earned income and who do not reside in Rock Island County;
 - 2) In Rock Island County, those AFDC clients randomly selected by the Department for participation.
- d) Experimental and Control Groups
- 1) Individuals will be assigned to one of the following groups:
 - A) an experimental group which shall consist of those individuals who will be entitled to the elements of the Income Budgeting Project; or
 - B) a control group in Rock Island County which shall consist of those individuals who meet the criteria of subsection (c)(2) above, but will have earned income budgeted under the Department's current budgeting method.
 - 2) As long as the Income Budgeting Project is in effect, a person designated as an experimental or control group member retains that designation for purposes of data collection even if that person leaves the project area or stops receiving AFDC.

(Source: Section repealed at 14 Ill. Reg. 19320, effective November 30, 1990; new Section adopted at 17 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Proposed Action:
140.492 Amendment
- 4) Statutory Authority: Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13) [305 ILCS 5/3, 4, 5, 6, 7, and 12-13]
- 5) Complete Description of the Subjects and Issues Involved:

These amendments to the Department of Public Aid's rules concerning medical payment are intended to implement the agreed order in Capital Ambulance et al. v. Wright. The amendments make a change in the methodology for the determination of payments for ambulance services. The amendments specify that a separate payment for oxygen will be added to the rate when oxygen is provided during an advanced life support trip. The change will apply to services provided beginning July 1, 1993.

Section 140.492 was amended effective February 15, 1993, to clarify the Department policy that the advanced life support rate is all-inclusive and that separate oxygen reimbursement is not provided in connection with advanced life support services. The Joint Committee on Administrative Rules issued an objection concerning those amendments. The policy contained in those previous amendments is being revised by these amendments.

- 6) Will these proposed amendments replace emergency amendments currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
140.24	Amendment	May 28, 1993 (17 Ill. Reg. 7183)

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

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- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Joanne Jones, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.
- 12) Initial Regulatory Flexibility Analysis:
- A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: July 1, 1993
- B) Types of small businesses affected: Ambulance service providers
- C) Reporting, bookkeeping or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page 11203.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Special Eligibility Groups2) Code Citation: 89 Ill. Adm. Code 1183) Section Numbers: Proposed Action:

118.150 New Section

4) Statutory Authority: Sections 5-18 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 5-18 and 12-13) [305 ILCS 5/5-18 and 12-13]5) Complete Description of the Subjects and Issues Involved:

This emergency rulemaking establishes a pilot program for the coverage of insurance premiums for certain persons with AIDS or disability due to HIV. A maximum of about 100 persons who have been diagnosed with AIDS or disability due to HIV and who are eligible for coverage under the federal Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985 will be covered by this pilot program.

Under the provisions of COBRA, all group health plans with 20 or more employees are required to allow employees to continue their coverage for 18 months after termination of employment. Employees who elect to continue coverage are required to pay up to 102 percent of the premium for the coverage. While these requirements provide for continuation of coverage, many persons with AIDS or disability due to HIV may be unable to afford the premiums for the continued coverage.

The program implemented in this rulemaking will provide a mechanism for the Department of Public Aid to pay the premiums for COBRA coverage for a maximum of about 100 persons with AIDS or disability due to HIV. Other eligibility criteria are specified in the rules. The rules also describe the application process. The program will begin effective July 1, 1993.

6) Will these proposed amendments replace emergency amendments currently in effect? Yes7) Does this rulemaking contain an automatic repeal date? No8) Do these proposed amendments contain incorporations by reference? No9) Are there any other proposed amendments pending on this Part? No10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Joanne Jones, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave. E., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.

12) Initial Regulatory Flexibility Analysis:

A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: July 1, 1993

B) Types of small businesses affected: Medical service providers, health insurance providers.

C) Reporting, bookkeeping or other procedures required for compliance: None

D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page 1219.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

1) The Heading of the Part: Acquisition, Management and Disposal of Real Property

2) Code Citation: 44 Ill. Adm. Code 5000

3) Section Numbers: Adopted Action:

5000.230 Amendment

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 102, par. 3.1 [50 ILCS 105/3.1] and Ill. Rev. Stat. 1991, ch. 127, par. 63b13.1 [20 ILCS 405/67.01]

5) Effective Date of Amendments: July 1, 1993

6) Does this rulemaking contain an automatic repeal date? No.

7) Do the Amendments contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office:

9) Notice of Proposal Published in Illinois Register: July 1, 1993
February 19, 1993, 17 Ill. Reg. 2105

10) Has JCAR issued a Statement of Objections to the Amendments? No.

11) Differences between proposal and final version:

Inserted the 1991 Ill. Rev. Stat. in parenthesis and the ILCS cites in brackets in the authority and in the text of the rule.

Indicated changes in the Authority Note by strike-outs and underscoring.

Section 5000.230(i)(5) - Corrected subsection labels (from (i) and (ii) to (A) and (B)).

Section 5000.230(j) - Since this subsection (j) was originally subsection (i), inserted "(i)" stricken through.

Section 5000.230(j)(2) - Moved labeled statements to proper levels

Several minor editing changes were also made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were necessary.

13) Will the Amendment replace an emergency rule currently in effect? Yes.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendment:

Current rules do not provide for the updating of disclosure documents. This amendment corrects the situation.

16) Information and questions regarding this adopted amendment shall be directed to:

John Brazaitis
721 Stratton Office Building
Springfield, IL 62706
(217)524-1046

The full text of the Adopted Amendments begin on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND

PROPERTY MANAGEMENT

SUBTITLE D: PROPERTY MANAGEMENT

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 5000

ACQUISITION, MANAGEMENT AND DISPOSAL OF REAL PROPERTY

SUBPART A: GENERAL

Section

5000.100

Authority

5000.110

Policy

Applicability

SUBPART B: LEASED SPACE ACQUISITION POLICY

Section

5000.200

General Policy and Responsibility

5000.210

Requests for Space/Agency Responsibilities

5000.220

Acquisition Authority

5000.230

Acquisition Procedures

5000.240

Lease Administration

SUBPART C: BUILDING STANDARDS

Section

5000.300

Scope

5000.310

Area Measurement

5000.320

Space Planning Assistance

5000.330

Open Space

5000.340

Space Allowance and Standards

5000.350

Office Furnishing

5000.360

Handicapped Accessibility

5000.370

Vending Facilities/Blind Operations

5000.380

Improvements

SUBPART D: ASSIGNMENT AND MANAGEMENT OF SPACE

Section

5000.400

Assignment and Management by DCMS

5000.410

Assignment by Agencies

5000.420

Reviews and Appeal of Space Assignment Actions

5000.430

Services Provided

5000.440

Alterations

5000.450

Local Requirements

SUBPART E: UTILIZATION OF SPACE
(STATE OWNED AND LEASED PROPERTIES)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

Space Inspections and Surveys
 Responsibility of Agencies
 Release of Space Not Fully Utilized
 Notice of DCMS of Relinquishment or Termination of Space

Section

5000.500

5000.510

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5000.530

SUBPART F: EXCESS REAL PROPERTY

Section

5000.600

5000.610

5000.620

5000.630

5000.640

5000.650

5000.660

Excess Real Property Defined
 Reports of Excess Real Property
 Utilization of Excess Real Property
 Charges for Use of Excess Property
 Temporary Occupancy
 Disputes
 Non-State Use

SUBPART G: SURPLUS REAL PROPERTY

Section

5000.700

5000.710

5000.720

5000.730

5000.740

5000.750

5000.760

5000.770

5000.780

5000.790

5000.800

5000.810

5000.820

5000.830

5000.840

Surplus Real Property Defined
 Declaration of Surplus
 Reporting Surplus Real Property
 Notice of Availability to State Agencies
 State Agency Requests for Surplus Real Property
 Transfer Decisions
 Transfer Procedures
 Transfer to Department of Central Management Services
 Subsequent Disposal
 Sale of Surplus
 Notice of Sale to Local Governments
 Local Government Offer to Purchase
 Public Sale
 Public Sale Procedures
 Non-State Interim Use

SUBPART H: USE OF OFFICE BUILDINGS

Section

5000.900

5000.910

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5000.960

Applicability
 Definitions
 Business Hours and Public Access
 Prohibited Activities
 Demonstrations
 Exhibits and Special Events
 Distribution of Leaflets and Solicitations of Funds, Voter
 Registration and Signatures

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

5000.970 Severability

APPENDIX A Space Standards

APPENDIX B Rental Fees

AUTHORITY: Implementing Section 7.1 of the State Property Control Act (Ill. Rev. Stat. 1991, ch. 127, par. 133b10.1) [30 ILCS 605/7.1], implementing and authorized by Sections 51, 67.02, 67.06, 67.07, 67.10, 67.14, 67.22 and 67.24 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, pars. 51, 63b13.2, 63b13.6, 63b13.7, 63b13.10, 63b13.14, 63b13.22 and 63b13.24) [20 ILCS 5/51, 20 ILCS 405/67.02, 20 ILCS 405/67.06, 20 ILCS 405/67.07, 20 ILCS 405/67.22 and 20 ILCS 405/67.24] and authorized by Section 6 of the State Property Control Act (Ill. Rev. Stat. 1991, ch. 127, par. 133b9) [30 ILCS 605/6]; implementing and authorized by Section 3.1 of the Public Officer Prohibited Activities Act (Ill. Rev. Stat. 1991, ch. 102, par. 3.1) [50 ILCS 105/3.1].

SOURCE: Adopted at 6 Ill. Reg. 12984, effective October 13, 1982; emergency amendment at 7 Ill. Reg. 3743, effective March 18, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 7825, effective June 22, 1983; emergency amendment at 8 Ill. Reg. 13444, effective July 17, 1984 for a maximum of 150 days; codified at 8 Ill. Reg. 19345; amended at 10 Ill. Reg. 636, effective December 31, 1985; amended at 17 Ill. Reg. 1006, effective January 19, 1993; emergency amendment at 17 Ill. Reg. 2361, effective February 5, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 10753, effective July 1, 1993.

Section 5000.230 Acquisition Procedures

- a) DCMS will review State-owned space and space leased by other agencies which may be suitable to fill the agency space request. Such space, because it involves no outside expenditure or because use would avoid unnecessary lease costs, will be used in preference to newly acquired leased space. Exceptions will only be granted upon strong justification submitted by the head of the agency requesting space.
- b) If no suitable State-owned or controlled space is available, DCMS will so advise the requesting agency.
- c) To help ensure that DCMS personnel have awareness of comparable facilities, DCMS will periodically solicit information from property owners and managers regarding space that might be available for State use.
- d) DCMS will maintain proposals received from solicitations for at least twelve months from date of receipt. These proposals will be reviewed to determine whether any locations are suitable to fill a particular space request.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

- e) Acquisition of leased space will be by negotiation. In acquiring space DCMS will negotiate with multiple lessors of comparable facilities to the maximum extent practical.
- f) Acquisition of space by lease will be on the basis most favorable to the State, with due consideration to maintenance and operational efficiency, and only at charges consistent with prevailing scales in the community for comparable facilities. In those instances where alterations to a property are needed, DCMS will review and approve the scope of work and method of payment prior to the commencement of work. Agencies are not to perform alterations to leased properties or enter into contracts for alterations without DCMS approval. DCMS will not, however, approve any lease or renovations therein without the agency desiring the space making a positive recommendation. Factors that could influence the decision to approve alterations include but are not limited to: length of term, cost relative to base cost, cost of base plus alterations compared to other site costs, degree of permanency of alterations, and demonstrated program need for alterations.
- g) DCMS shall determine the appropriate term for a given lease (not to exceed 5 years unless paid solely by federal funds) and negotiate accordingly. The particular terms and conditions of a given lease will in general conform to DCMS standard lease form provisions. Changes, additions or deletions to these terms shall be at DCMS' discretion. Agency input will be solicited prior to negotiation.
- h) DCMS will attempt to negotiate a favorable renewal option, State-option cancellation clause, and purchase option provision when appropriate.
- i) All leases shall be accompanied by a full written disclosure of the identity of every owner and beneficiary having any interest in the premises being leased.
 - 1) Such disclosure shall be subscribed and sworn or otherwise affirmed on oath by an owner, authorized trustee, corporate official, or managing agent.
 - 2) Such disclosure shall set forth all ownership interests. By way of example, the disclosure should identify the names of the beneficiaries of a land trust in addition to the trustee, the names of all partners whether general or limited in nature, and the names of all shareholders in a corporation who are entitled to receive more than 7 1/2% of the total distributable income of the corporation. If stock in a corporation is publicly traded and no readily known individual owns more than a 7 1/2% interest, then the requirements of this rule may be met by an officer or managing agent of the corporation making an affirmative statement to this effect under oath.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

3) Such disclosure shall set forth the identity of any State officer, employee or elected official, or the wife, husband, or minor child of such person having an ownership or beneficial interest under the lease. In the event such person is so set forth, the disclosure shall include a specific designation of the percentage of the total distributable income such person, together with that of the wife, husband, or minor child of such person, is entitled to receive from any firm, partnership, association, or corporation which is the lessor.

4) It shall be the responsibility of the lessor to notify DCMS of any changes in ownership or beneficial interest and to submit updated disclosure statements reflecting such changes within 30 days after such change.

5) Updated disclosure is required for all existing leases in effect on the effective date of this rule. For all such leases, a report must be submitted within 30 days after the effective date of these rules which:

- A) discloses any changes of ownership or beneficial interests from those previously reported, or
- B) confirms that there have been no changes.

6) The failure of a lessor to provide the disclosure required under the provisions of this Section shall be deemed a material breach of the lease and shall constitute grounds for termination of the lease agreement.

7) There shall be a standardized record keeping and investigative procedure employed by DCMS personnel between the initial request by an agency for leasehold facilities and the time of executing a lease. This procedure is as follows:

- 1) The request for space by an agency shall be assigned to a DCMS leasing representative whose responsibility it shall be to assemble potential leasing facilities.

A) In doing so, the leasing representative shall view prospective facilities, gather necessary leasehold data, photograph potential sites, detail name of owner of building and prospective terms of lease, obtain copy of multiple listing sheet if property has been placed on the market, obtain comparable square foot costs in the immediate vicinity and prepare written memorandum to DCMS detailing such above information. All documentary information shall be a permanent of the DCMS file.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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B) Should any employee or representative of the agency desiring space be involved in viewing prospective locations, the name of such individual shall be noticed on the written report.

C) There shall be no dissemination of any information by either agency personnel or DCMS personnel concerning prospective locations to anyone outside the respective agencies involved in the leasing search.

D) The leasing representative shall transmit the result of any leasehold potentials to his immediate supervisor together with a recommendation for further action.

2) Upon receipt from the leasing representative of potential lease arrangements, the supervisor shall review the documentary evidence and be responsible for

~~(a) A)~~ negotiating with any potential lessor or authorizing negotiations by the subordinate or other party and

~~(b) B)~~ communicating to the particular agency any facts necessary to enable agency personnel to have meaningful input into the leasehold negotiation.

3) Any proposed lease which contains non-standard terms, together with all negotiated items, shall be submitted to the DCMS legal counsel with a memorandum by the supervisor outlining the negotiations and detailing the oral representations which the parties have tentatively agreed upon.

4) Counsel for DCMS shall, at this point, review the original memorandum and the items of negotiation, review the prospective lease as to form and legal validity, and issue a written recommendation to the leasing supervisor regarding approval.

5) The Director, or designate, after a complete review of all documentation shall make the final decision with regard to the execution of the lease.

6) After internal review, the lease documents will be prepared by DCMS and sent to the Lessor and using agency for signature. The lease will then be returned to DCMS for final execution and distribution.

(Source: Amended at 17 Ill. Reg. 10753, effective July 1, 1993)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- 1) HEADING OF THE PART: Dove Hunting
- 2) CODE CITATION: 17 Ill. Adm. Code 730 -
- 3) SECTION NUMBERS:
 730.10
 730.20
 730.30
ADOPTED ACTION:
 Amendments
 Amendments
 Amendments
- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5) [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5].
- 5) EFFECTIVE DATE OF AMENDMENTS: July 1, 1993
- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No
- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 28, 1993
- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: April 9, 1993, 17 Ill. Reg. 4539
- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No
- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:
 In Section 730.20(c), Iroquois County, "statewide hours and seasons apply" was replaced with "sunset closing".
 In Section 730.20(c), Lake Shelbyville-Kaskaskia, "statewide regulations apply to" was replaced with "hunting hours are 12 noon to sunset on".
 In Section 730.20(c), Middle Fork, "statewide regulations apply to" was replace with "hunting hours are 12 noon to sunset on".
 In Section 730.20(c), Saline County, a semi-colon was added following "September 15".
- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

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- 13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No
- 14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No
- 15) SUMMARY AND PURPOSE OF AMENDMENTS: Amendments to this Part include changing statewide hunting hours from 12 noon to sunrise, modifying site-specific regulations and adding/deleting sites open to dove hunting.
- 16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
 Department of Conservation
 524 S. Second Street, Room 485
 Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 17: CONSERVATION
 CHAPTER I: DEPARTMENT OF CONSERVATION
 SUBCHAPTER b: FISH AND WILDLIFE

PART 730
 DOVE HUNTING

Section

730.10 Statewide Regulations

730.20 Regulations at Various Department-Owned or -Managed Sites

730.30 Youth and Youth/Adult Dove Hunts at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5) [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.20 and 3.5].

SOURCE: Adopted at 5 Ill. Reg. 8792, effective August 25, 1981; codified at 5 Ill. Reg. 10644; amended at 6 Ill. Reg. 9631, effective July 21, 1982; emergency amendment at 6 Ill. Reg. 10040, effective August 2, 1982; amended at 7 Ill. Reg. 10767, effective August 24, 1983; emergency amendment at 7 Ill. Reg. 10999, effective August 24, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 13680, effective July 25, 1984, amended at 9 Ill. Reg. 11601, effective July 16, 1985; emergency amendment at 9 Ill. Reg. 14025, effective September 4, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 15590, effective September 16, 1986; amended at 11 Ill. Reg. 9526, effective May 5, 1987; amended at 11 Ill. Reg. 11346, effective June 10, 1987; amended at 12 Ill. Reg. 12186, effective July 15, 1988; amended at 13 Ill. Reg. 10513, effective June 15, 1989; amended at 14 Ill. Reg. 11193, effective June 29, 1990; amended at 15 Ill. Reg. 9951, effective June 24, 1991; amended at 16 Ill. Reg. 11041, effective June 30, 1992; amended at 17 Ill. Reg. 10761, effective July 1, 1993.

Section 730.10 Statewide Regulations

- a) Dove regulations are in accordance with Federal Regulations, unless the regulations in this rule are more restrictive. (50 CFR 20.103, 1990)
- b) Season dates: September 1 - October 30.
- c) Hunting hours: Noon Sunrise to sunset.
- d) Daily limit: 15.
- e) Possession limit: 30 after the first hunting day.

(Source: Amended at 17 Ill. Reg. 10761, effective July 1, 1993.)

Section 730.20 Regulations at Various Department-Owned or -Managed Sites

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- a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.

b) General Regulations

- 1) Hunters shall use only steel shot size 6 or smaller on the following areas:

Anderson Lake Conservation Area

Banner Marsh Fish and Wildlife Area

Carlyle Lake Wildlife Management Area (subimpoundments only)

Chain O'Lakes State Park

Hennepin Canal Parkway State Park

Horseshoe Lake Conservation Area (Alexander County)

Kaskaskia River State Fish & Wildlife Area (designated areas)

Lake Shelbyville Wildlife Management Area (waterfowl management units only)

Rend Lake Project Lands and Waters

Sanganois Conservation Area

Shabbona State Park

Snake Den Hollow State Fish and Wildlife Area

Ten Mile Creek Fish & Wildlife Area (Eads and Belle River Units (Units I & II))

Union County Refuge Conservation Area

Wayne Fitzgerald State Recreation Area

- 2) Hunters shall use only shot size 7 1/2, 8 or 9 lead or 6 steel or smaller on all areas, except as noted under subsection (b)(1).
- c) Statewide season regulations as provided for in this rule shall apply at the following areas except that hunting hours at all state sites open at 12:00 Noon daily unless otherwise indicated (exceptions are in parentheses):

~~AMAX beased bands (5:00 p.m.--closing--September--i--through Labor--Day)~~

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Anderson Lake Conservation Area (5:00 p.m. closing September 1 through Labor Day)

Argyle Lake State Park (5:00 p.m. closing September 1 through Labor Day)

Banner Marsh State Fish and Wildlife Area (sunrise opening; Season season dates are September 1 - 30; 5:00-p.m.- 12:00 Noon closing September 1 through Labor Day)

Big Bend Conservation Area (5:00 p.m. closing September 1 through Labor Day)

Big River State Forest (5:00 p.m. September 1 through Labor Day)

Cache River State Natural Area (sunrise opening)

Campbell Pond Wildlife Management Area (5:00 p.m. closing September 1-5; sunrise to sunset thereafter)

Carlyle Lake Lands and Waters - Corps of Engineers managed lands

Carlyle Lake Wildlife Management Area

Chain O'Lakes State Park (Season dates are September 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13-16-17-19-20 only, 5:00 p.m. closing; daily quota filled on first-come, first-serve basis; check in and check out required; all hunting must be done within 10 feet of Department of Conservation (Department or DOC) marked sites; no gun may be carried into dove fields beyond hunting line; guns must be unloaded when walking to and from hunting areas; DOC issued back patch must be worn while hunting)

Chauncey Marsh (sunrise opening; permit required, may be obtained at Red Hills State Park headquarters; no hunting in dedicated Nature Preserve; permits must be returned by 15 February)

Clinton Lake State Park (No hunting within 100 yards of dove management units; in dove management units, shooting hunting hours end at 5:00 p.m. daily September 1-5 and daily quotas are filled by daily drawings)

Crawford County Conservation Area (5:00 p.m. closing, September 1 - 30 Labor Day; sunrise to sunset thereafter)

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Des Plaines Conservation Area (Season dates are September-67 12-13-14-15-16-17-20-26-27-28-29-only Saturdays and Sundays during the month of September following the close of the permit dove season; 5:00 p.m. closing; daily quota filled on first-come, first-serve basis; check in and check out required; all hunting must be done within 10 feet of DOC marked sites; no gun may be carried into dove fields beyond hunting line; guns must be unloaded when walking to and from hunting areas; DOC issued back patch must be worn while hunting)

Dog Island Wildlife Management Area (sunrise opening)

Eldon Hazlet State Park (North of Allen Branch and West of Pepperhorst Branch; 5:00 p.m. closing September 1 - 14; sunrise to sunset thereafter)

Ferne Clyffe State Park (sunrise opening)

Fl. de Chartres State Historic Site (hunting with muzzle-loading shotgun only; sunrise opening)

Ft. Massac State Park (sunrise opening)

Fox Ridge State Park (Dove Management Units only, September 1 - 3, 5:00 p.m. closing; daily quota filled by drawing at designated units at 11:00 a.m.; after September 3, governed by subsection (d))

Giant City State Park (5:00 p.m. closing September 1 - 5)

Green River State Wildlife Area (Lee County Conservation Area) (Season dates are September 6-30 only)

Hamilton County Conservation Area (5:00 p.m. closing September 1 - 7 Labor Day; sunrise to sunset thereafter)

Heidecke Lake State Fish and Wildlife Area (Season dates are September 1 - 5, 5:00 p.m. closing; September 6 - 15 statewide-hours sunset closing; daily quota filled on first-come, first-serve basis; check in and check out required; all hunting must be done within 10 feet of DOC marked sites; no gun may be carried into dove fields beyond hunting line; guns must be unloaded when walking to and from hunting areas)

Hennepin Canal Parkway State Park (Season dates are September 1 - 5, 5:00 p.m. closing, and on Saturdays, Sundays and Wednesdays from September 6 - 30, statewide

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closing)

Hidden Springs State Forest (Dove management units only, September 1 - 3, 5:00 p.m. closing; daily quota filled by drawing at designated units at 11:00 a.m.; after September 3, governed by subsection (d))

Horseshoe Lake Conservation Area - Alexander County (season dates are September 1 through October 15, 5:00 p.m. closing September 1 - 5; sunrise to sunset thereafter)

Horseshoe Lake State Park - Madison County (Season dates are September 1 - 30, 5:00 p.m. closing; sunset closing thereafter)

1-24 Area (Season dates are opening day, Wednesdays, Saturdays and Sundays only, 5 p.m. closing)

Iroquois County Conservation Area (5:00 p.m. closing September 1 - 5; daily quota filled by drawing, DOC back patch required; after September 5, statewide--hours-and seasons--apply sunset closing; hunting permitted only in designated areas; all hunting must be done within 10 feet of DOC marked sites)

Johnson Sauk Trail State Park (Season dates are September 1 - 15, except closed Saturday and Sunday of Labor Day weekend, 5:00 p.m. closing)

Jubilee College State Park (Season dates are September 1 - 21 on Wednesdays, Saturdays, Sundays and holidays, 5:00 p.m. closing)

Kankakee River State Park (Season dates are September 6 - 30, daily quota filled on first-come, first-serve basis; hunters must check in and check out; all hunting must be done within 10 feet of DOC marked sites; no gun may be carried into dove fields beyond hunting line)

Kaskaskia River State Fish and Wildlife Area (Hunting allowed on designated areas on odd number dates only during first week of season then everyday thereafter; 5:00 p.m. closing September 1 - 7; statewide closing thereafter)

Kickapoo State Park (Hunters must check in and check out)

Kidd Lake State Natural Area (sunrise to sunset)

Lake Kinkaid Lake Fish and Wildlife Area (sunrise opening)

Lake Le-Aqua-Na State Park (Season dates are September 1 - 15; except September 1 through 10 Labor Day, 5:00 p.m. closing)

Lake Shelbyville-Kaskaskia and West Okaw Fish and Wildlife Areas (dove management areas only, September 1 - 3, 5:00 p.m. closing; daily quota filled by drawing at 11:00 a.m. daily; statewide--regulations--apply to hunting hours are 12 noon to sunset on the rest of the site except no hunting within 300 yards of dove management areas)

Mackinaw River State Fish and Wildlife Area (season dates are September 6 - 30; 5 p.m. closing)

Marseilles Fish and Wildlife Area (Season dates are September 1 through the 1st Thursday after Labor Day, 5:00 p.m. closing; thereafter open Monday through Thursday only and statewide hours apply)

Marshall State Fish and Wildlife Area

Matthiessen State Park (Season dates are September 1 - 15 only on opening day, holidays, Wednesdays, Saturdays and Sundays; except closed the Saturday and Sunday of Labor Day weekend)

Mazonia State Fish and Wildlife Area (Season dates are September 1 - two weeks before duck season, hunters must check in and check out)

Mermet Lake Conservation Area (Season dates are opening day, Wednesdays, Saturdays and Sundays only, 5:00 p.m. closing; daily hunter quota 30 hunters, filled on a first-come, first-serve basis)

Middle Fork State Fish and Wildlife Area (Hunting permitted in sunflower fields only September 1-15; 5:00 p.m. closing September 1-7, quota filled by daily drawing; sunset closing September 8-15; after September 15 statewide-regulations apply to hunting hours are 12 noon to sunset on entire site except that in sunflower fields, hunters must maintain a minimum of 20 yard spacing and hunt from field edges at all times)

Mississippi River Pools 16, 17, 18, 21, 22, 24 (sunrise opening)

Mississippi River Pools 25, 26 (at Red's Landing, Rip Rap Landing, Stump Lake, Hadley Landing, Michael and Calhoun

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Point, 5:00 p.m. closing September 1 - 5; sunrise to sunset thereafter).

Moraine View State Park (5:00 p.m. closing September 1 - 7; daily quota filled on first-come, first-serve basis; after September 7 statewide hours and seasons apply, hunters must check in and check out; at all times, hunters must wear DOC issued back patch and hunt in designated areas only)

~~Morrison-Rockwood--State--Park--(Season--dates--are--September 1--15--except--closed--Saturday--and--Sunday--of--Labor--Day weekend; 5:00 p.m. closing)~~

Mt. Vernon Game Farm (Season dates are September 1-30 Wednesdays, Saturdays and Sundays only; 5:00 p.m. closing; hunter quota posted at headquarters; first-come basis; hunters must hunt within ten feet of stakes; no gun may be carried into dove field beyond hunting line)

Oakford Conservation Area (sunrise opening)

Panther Creek Conservation Area

Pike County Conservation Area (noon - 5:00 p.m. through Labor Day; hunting by staked sites only)

Pyramid State Park (5:00 p.m. closing September 1 - Labor Day; sunrise to sunset thereafter)

Railsplitter State Park (Season dates are September 6 - 30; hunter quota to be filled on a first-come basis; hunters must hunt from within 10 feet of a hunter stake; no shooting except in the direction of the assigned fields)

Ramsey Lake State Park (5:00 p.m. closing September 1 - 30)

Randolph County Conservation Area (5:00 p.m. closing September 1-5; sunrise to sunset thereafter)

Red Hills State Park (5:00 p.m. closing September 1-7 Labor Day; sunrise to sunset thereafter)

~~Rend Lake Project lands and Waters (statewide--regulations apply;--except--posted--dove--management--areas--closed--at--5:00 p.m.; after 5:00 p.m.; no-person may hunt--dove--within--300 yards--of--dove--management--areas--sunrise opening)~~

Rockhouse Creek (Monroe-County)

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Saline County Conservation Area (5:00 p.m. closing September 1 - 30; sunrise to sunset thereafter)

Sam Dale Lake Conservation Area (5:00 p.m. closing September 1 - Labor Day; sunrise to sunset thereafter)

Sam Parr State Park (5:00 p.m. closing September 1 - 30)

Sand Ridge State Forest (Season dates are September 6 - October 30; sunrise opening)

Sangamon County Conservation Area (sunrise opening)

Sangamon Conservation Area (5:00 p.m. closing September 1 - 5; hunter quota to be filled on a first-come basis)

Sangohris Lake State Park (Season dates are September 6 - 30; hunters must hunt from within 10 feet of a DOC marked stake)

Shabbona State Park (5:00 p.m. closing until Labor Day weekend; season dates are September 1 - 15; closed Saturday and Sunday of Labor Day weekend)

Shawnee National Forest (sunrise opening)

Silver Springs State Park (5:00 p.m. closing; hunting by staked hunting sites only)

Silver Springs State Park (Season dates are September 6 - 30; check in and check out required; hunters must hunt planted dove fields only; hunters must hunt within 10 feet of Department marked sites; no gun may be carried into dove fields beyond hunting line; guns must be unloaded when entering and leaving hunting area; no hunting on days designated for National Hunting and Fishing Day activities)

Snake Den Hollow State Fish and Wildlife Area (5:00 p.m. closing through Labor Day; season dates are September 1-30)

Stephen A. Forbes State Park (5:00 p.m. closing September 1 - 30)

Sunspot Mine (Pulmon and Schuyler Counties) (5:00 p.m. closing September 1 through Labor Day)

Tapley Woods State Natural Area

Ten Mile Creek State Fish and Wildlife Area (sunrise

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opening; permit required; areas designated as Refuge are closed to all access during Canada Goose Season only; parking card must be displayed on dashboard of vehicle; permit must be returned by February 15 to the District Wildlife Manager, P.O. Box 313, Olney, IL 62450)

Trail of Tears State Forest (sunrise opening)

Turkey Bluffs State Fish and Wildlife Area (5:00 p.m. closing September 1 - 5; sunrise to sunset thereafter)

Union County Conservation Area (5:00 p.m. closing--September 1-5; season dates are September 1 - October 15; 5:00 p.m. closing September 1-5; sunrise to sunset thereafter)

Washington County Conservation Area (sunrise to sunset after September 5)

Wayne Fitzgerald State Recreation Area (5:00 p.m. closing; closed September 1 - 7 Labor Day; 5:00 p.m. closing September 7 - 12; sunrise to sunset thereafter)

Weinberg-King State Park (5:00 p.m. closing through September 14; sunset closing thereafter)

Wildcat Hollow State Forest

Witkowsky State Wildlife Area

d) Statewide regulations as provided in this Part apply at the following sites except that hunting hours at all state sites open at 12:00 Noon daily unless otherwise indicated with exceptions noted in parentheses). In addition, hunters must obtain a free permit from site office. Permits are not transferable and must be in possession while hunting. The permit must be returned and harvest reported by February 15 or hunter will forfeit hunting privileges for that site for the following year.

Eagle Creek State Park (Season dates are September 15 - October 30)

Fox Ridge State Park (does not apply in dove management units as noted in Section 730.20(c))

Hidden Springs State Forest (does not apply in dove management units as noted in Section 730.20(c))

Lake Shelbyville Eagle Creek Wildlife Management Area

e) Permit areas

1) Permit season dates shall be September 1 - 5 at the following

DEPARTMENT OF CONSERVATION

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sites, hunting hours shall be from Noon to 5:00 p.m. (exceptions in parentheses):

Des Plaines Conservation Area (Hunters must hunt assigned fields only and hunt within 10 feet of DOC marked sites; no gun may be carried into dove field beyond shooting line; guns must be unloaded when walking to and from hunting area)

Green River State Wildlife Area (Lee County Conservation Area)

Kankakee River State Park (Hunters must hunt assigned fields only and hunt within 10 feet of DOC marked sites; no gun may be carried into dove field beyond shooting line)

Mackinaw River State Fish and Wildlife Area

Railsplitter State Park (Hunters must hunt assigned fields only and hunt within 10 feet of DOC marked sites; no gun may be carried into dove field beyond shooting line; no shooting except in direction of assigned fields)

Sand Ridge State Forest

Sangchris Lake State Park (Hunters must hunt assigned fields only; field 2 accessible by boat only; no gun may be carried onto dove field beyond shooting line; hunters must hunt from within 10 feet of a DOC marked stake or flag)

Silver Springs State Park (Hunters must hunt assigned fields only and hunt within 10 feet of DOC marked sites; no gun may be carried into dove field beyond shooting line; guns must be unloaded when walking to and from hunting area)

- 2) Permit Applications
 - j) Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. Applicants making reservations will be sent confirmation. Up to six reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season.
 - j) Hunting at these areas is by special permit only for the first five days of the season; thereafter, no permits are required for hunting at these sites. All permits will be issued from Springfield and not from the area.
 - 4) Check-in time for registration shall be between 9:00 a.m. and 11:00 a.m. Openings after 11:00 a.m. will be filled on a first-come basis, or by a daily drawing if there are more stand-by hunters than openings available.

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- b) All hunters must wear a back patch.
 6) Shot size to be used is 7 1/2, 8 or 9 lead or 6 steel or smaller.
 7) Each applicant shall apply for only one area and receive one permit per year. An applicant may reapply only if his previous application was unsuccessful.

(Source: Amended at 17 Ill. Reg. 10761, effective July 1, 1993)

Section 730.30 Youth and Youth/Adult Dove Hunts at Various Department-Owned or Managed Sites

- a) A one-day Youth Dove Hunt will be held on September 5 4 at the following sites:

Horseshoe Lake State Park

Kankakee River State Park

Ramsey Lake State Park

Sangchris Lake State Park

Silver Springs State Park

Stephen A. Forbes State Park

- b) A one-day youth/adult dove hunt will be held on September 5 4, where both the youth and adult will be permitted to hunt at the following sites:

Mackinaw River State Fish and Wildlife Area

Mt. Vernon Game Farm

Sam Parr State Park

- c) Hunting hours are from 12:00 p.m. to 5:00 p.m. Check-in time is from 10:00 a.m. to 11:00 a.m.
 d) Hunter quota will be announced by public news release. Hunter quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available; the condition, topography, and configuration of the land at the site; and the number of employees available to work at the site.
 e) All hunters must have a hunting permit and wear a back patch while hunting. Stand-by permits will be available at the site by lottery drawing if vacancies occur.
 f) Applicants must be between the ages of 10 and 15 inclusive, with a valid Illinois hunting license.
 g) Each youth must be accompanied by a supervising adult. If the hunter

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does not have a valid Firearm Owner's Identification (F.O.I.D.) Card, the supervising adult is required to have a F.O.I.D. Card. Only one supervising adult in a hunting party is required to have a valid F.O.I.D. Card if the hunters in the hunting party stay under the immediate control (accompany youth hunters at all times) of the supervising adult possessing the valid F.O.I.D. Card. All adult hunters must have a valid F.O.I.D. card.

- h) Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. Applicants making reservations will be sent confirmation. Up to six reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season.

- i) Shot size to be used is 7 1/2, 8 or 9 lead or 6 steel or smaller.

(Source: Amended at 17 Ill. Reg. 10761, effective July 1, 1993)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- 1) HEADING OF THE PART: General Hunting and Trapping on Department-Owned or -Managed Sites

- 2) CODE CITATION: 17 Ill. Adm. Code 510

- 3) SECTION NUMBERS: ADOPTED ACTION:

510.10 Amendments

- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5) [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5] and by Section 63a28 of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 63a28) [20 ILCS 805/63a28].

- 5) EFFECTIVE DATE OF AMENDMENTS: July 1, 1993

- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 28, 1993

- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: April 9, 1993, 17 Ill. Reg. 4601

- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION: Section 510.10(a)(1) was changed to read "...in the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61) (520 ILCS 5), federal regulations. . .".

- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

- 13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

- 14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

- 15) SUMMARY AND PURPOSE OF AMENDMENTS: These amendments authorize

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concessionaire-run controlled pheasant hunting on state sites, allow hunters to use dogs to retrieve game that falls in refuges or restricted areas and add language to clarify the blaze orange requirements for hunters.

- 16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFEPART 510
GENERAL HUNTING AND TRAPPING ON
DEPARTMENT-OWNED OR -MANAGED SITES

Section

510.10 General Site Regulations

510.20 Hunting and Trapping by Special Permit

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5) [520 ILCS 5/1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5] and by Section 63a28 of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 63a28) [20 ILCS 805/63a28].

SOURCE: Adopted at 5 Ill. Reg. 8011, effective July 24, 1981; codified at 5 Ill. Reg. 10633; amended at 6 Ill. Reg. 9637, effective July 21, 1982; amended at 7 Ill. Reg. 10775, effective August 24, 1983; amended at 8 Ill. Reg. 13700, effective July 24, 1984; amended at 9 Ill. Reg. 11610, effective July 16, 1985; amended at 10 Ill. Reg. 15997, effective September 16, 1986; amended at 11 Ill. Reg. 9535, effective May 5, 1987; amended at 12 Ill. Reg. 11724, effective June 30, 1988; amended at 13 Ill. Reg. 10583, effective June 19, 1989; amended at 14 Ill. Reg. 14762, effective September 4, 1990; amended at 15 Ill. Reg. 9966, effective June 24, 1991; amended at 16 Ill. Reg. 11064, effective June 30, 1992; amended at 17 Ill. Reg. 10775, effective July 1, 1993.

Section 510.10 General Site Regulations

a) Regulations

1) All applicable regulations found in the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61) [520 ILCS 5], federal regulations (50 CFR 1, effective September 30, 1985) and Department of Conservation (Department or DOC) Administrative Rules apply on any Department site.

2) All the regulations cited in this Part apply to all Department species rules, unless the species rule is more restrictive.

b) Definitions:

1) Unauthorized person - any individual who is not a Department employee or an individual who is not present for the purpose of hunting or trapping.

2) Designated area - a defined location at a site with a set boundary within which only a specified recreational activity such

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as hunting or trapping may take place during a publicly announced time period.

3) Restricted area - a defined location at a site with a set boundary within which hunting and/or trapping is prohibited.

4) Refuge area - a defined location at a site with a set boundary within which no public activity or presence is allowed, except as authorized by the site superintendent when it is determined that activity such as nature studies, hiking, fishing or camping would not be detrimental to the purpose of the refuge.

5) Adult - a person 18 years of age or older.

c) It shall be unlawful:

1) For any person to possess or consume any alcoholic beverage, including beer or wine, prior to or while on any site for the purpose of hunting or trapping.

2) To hunt or trap on any site with a manned check station without first declaring game killed on a previous hunt and in possession either on the hunter's person or in his vehicle.

3) To construct or use any tree stand using nails, screws or any device which pierces or cuts the bark of the tree on which it is installed. Any tree stand must be portable and must be removed at the end of each day, unless otherwise specified in 17 Ill. Adm. Code 650, 660, 670 and 680.

4) To hunt or trap in restrictively posted areas, developed recreation areas, and within 100 yards of construction sites, residences, and developed recreation areas.

5) For unauthorized persons to use or occupy in any manner designated hunting areas during the permit hunting season, when authorized hunting is in progress.

6) To use any site when the site superintendent or his authorized representative determine and state that weather, water, equipment, or other conditions make the use of the site unsafe.

7) To hunt or trap outside designated areas at the site.

8) To trespass within a refuge.

9) To hunt or trap on any Department-owned or -managed land that is not open to hunting or trapping pursuant to applicable species rules (17 Ill. Adm. Code 530, 550, 570, 590, 650, 660, 670, 680, 690, 710, 715, 720, 730, and 740).

10) To buy, sell or commercialize hunting or trapping rights, directly or indirectly, except that this does not apply to the Department of Conservation hunting or trapping fees of the operation of controlled pheasant hunting on Department lands pursuant to a written concession agreement.

11) To hunt or trap without a valid permit where permits are required.

12) To enter a refuge or restricted area to retrieve wounded game unless authorized by the Department. Authorization may be obtained from any Department employee at the site. Authorization will be based upon person's apparent ability to retrieve game without dog or weapons firearm or bow and arrow.

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July 1, 1993

- d) Specific Management Procedures
- 1) Specific management procedures will be posted at either check stations or site parking lots at the site so the procedures will be visible to the public.
 - 2) Where there is a check station in operation, or where designated, hunters must sign in and/or sign out, and report their kill within fifteen minutes, or as posted, after completing their hunt. Some areas require the wearing of a back patch and depositing hunting license (or Firearm Owner's Identification card if the hunter is exempt from buying a license).
 - 3) In the event that Department budget reductions or site staffing reductions make the operation of check stations impractical, state sites that now require check stations and other restrictive hunter regulations may be opened to statewide regulations or closed to hunting by posting such notice at the site.
 - 4) At sites where windshield permits are issued, such permits must be displayed in a location visible through the windshield of the vehicle while hunting.
 - 5) Department will have the authority to issue site specific deer permits in addition to any other deer permits issued by the Department (See Parts 650, 660, 670 and 680); and to designate the sex of deer (antlered or antlerless) that hunters may harvest through site-specific regulations.
 - e) Only shotgun or bow and arrow shall be used for hunting unless otherwise specified.
 - f) If hunter or trapper quotas are necessary at any site, the quotas will be determined at the discretion of the Department and posted at the site unless the public is notified by news release that the quota will be filled by drawing or special permit. Hunter and trapper quotas are determined by the formula 1 hunter or trapper per 10-40 acres. Acres are determined by but not limited to the biological studies on the number of the species available, the condition, topography and configuration of the land at the site, the condition of the roads at the site and the number of employees available to work at the site. All quotas are filled on a first-come, first-served basis unless the public is notified by public news release that the quota will be filled by a drawing or special permit. The Department shall use a special permit or drawing quota system whenever past hunter or trapper participation at a particular site reveals that the demand exceeds the quota established by the Department.
 - g) During pheasant, rabbit, quail and partridge season, Hunters hunters and trappers are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches while trapping or hunting pheasant, quail, Hungarian partridge, rabbit, snipe, rail and woodcock. trappers are required to wear a cap and upper outer garment of solid and vivid blaze orange during the upland game season on sites where upland game hunting is in progress.

(Source: Amended at 17 Ill. Reg. 10775, effective

ILLINOIS REGISTERDEPARTMENT OF CONSERVATIONNOTICE OF ADOPTED AMENDMENTS

1) HEADING OF THE PART: Illinois List of Endangered and Threatened Flora

2) CODE CITATION: 17 Ill. Adm. Code 1050

3) SECTION NUMBERS: ADOPTED ACTION:

1050.20 Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Section 7 of the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1991, ch. 8, par. 337) [520 ILCS 10/7].

5) EFFECTIVE DATE OF AMENDMENTS: July 1, 1993

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 28, 1993

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: April 9, 1993, 17 Ill. Reg. 4608

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION: None

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF AMENDMENTS: These amendments will eliminate the prohibition against plants or plant products being sold in Illinois if the plant or product was legally obtained out-of-state.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

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THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

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NOTICE OF ADOPTED AMENDMENT(S)

TITLE 17: CONSERVATION

CHAPTER 1: DEPARTMENT OF CONSERVATION

SUBCHAPTER C: ENDANGERED SPECIES

PART 1050

ILLINOIS LIST OF ENDANGERED AND THREATENED FLORA

Section

1050.10 Official List

1050.20 Definitions

1050.25 Criteria Used For Listing

1050.30 Endangered Flora of Illinois

1050.40 Threatened Flora of Illinois

AUTHORITY: Implementing and authorized by Section 7 of the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1991, ch. 8, par. 337) [520 ILCS 10/71].

SOURCE: Adopted at 4 Ill. Reg. 22, p. 209, effective May 20, 1980 unless otherwise noted; amended at 5 Ill. Reg. 10293, effective September 30, 1981; codified at 6 Ill. Reg. 2593; amended at 8 Ill. Reg. 13713, effective July 25, 1984; amended at 13 Ill. Reg. 3755, effective March 13, 1989; amended at 14 Ill. Reg. 6123, effective April 17, 1990; amended at 17 Ill. Reg. 10781, effective July 1, 1993.

Section 1050.20 Definitions

To be in compliance with the Federal and State Endangered Species Acts, the following definitions apply:

Federally Endangered Species - Any species which is in danger of extinction throughout all or a significant portion of its range. (Denoted by two asterisks (**) on adopted list.)

Federally Threatened Species - Any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. (Denoted by one asterisk (*) on adopted list.)

State Endangered Species - Any species which is in danger of extinction in the wild in Illinois. Individual plants and plant products produced from non-wild sources or legally obtained out-of-state shall be exempt from the provisions of the Illinois Endangered Species Protection Act. Failure to establish proof that such plants or plant products were produced from non-wild sources or were legally obtained out-of-state shall be prima facie evidence that they came from the wild within Illinois and are subject to all applicable rules and regulations.

State Threatened Species - Any species which is likely to become

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endangered in the wild in Illinois within the foreseeable future.

(Source: Amended at 17 Ill. Reg. 10781, effective July 1, 1993.)

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- 1) HEADING OF THE PART: Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver and Woodchuck (Groundhog) Trapping

- 2) CODE CITATION: 17 Ill. Adm. Code 570

- 3) SECTION NUMBERS:

570.20
570.30
570.40

ADOPTED ACTION:

Amendments
Amendments
Amendments

- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 2.30, 2.33 and 3.5) [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].

- 5) EFFECTIVE DATE OF AMENDMENTS:

July 1, 1993

- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 28, 1993

- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: April 9, 1993, 17 Ill. Reg. 4611

- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

In the Authority Note, the commas were removed following "2.33" in two places.

In Section 570.40(a)(6), parentheses were placed around the "b" following "570.40".

- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

- 13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

- 14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

- 15) SUMMARY AND PURPOSE OF AMENDMENTS: The amendments to this part change statewide season dates, legalize dog-proof traps

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on state sites and modify site regulations at some state sites.

- 16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 570

MUSKRAT, MINK, RACCOON, OPOSSUM, STRIPED SKUNK, WEASEL,
RED FOX, GRAY FOX, COYOTE, BEAVER AND WOODCHUCK (GROUNDHOG)
TRAPPING

- Section
570.10 Statewide Zones
570.20 Statewide Season Dates
570.30 Statewide Hours, Daily Limit and Possession Limit
570.40 Trapping Regulations on Department-Owned, -Leased or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 2.30, 2.33 and 3.5) (520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5).

SOURCE: Adopted at 5 Ill. Reg. 9767, effective September 17, 1981; codified at 5 Ill. Reg. 10637; amended at 6 Ill. Reg. 10709, effective August 20, 1982; amended at 7 Ill. Reg. 10778, effective August 24, 1983; amended at 8 Ill. Reg. 21589, effective October 23, 1984; amended at 9 Ill. Reg. 15864, effective October 7, 1985; amended at 10 Ill. Reg. 16644, effective September 24, 1986; amended at 12 Ill. Reg. 12034, effective July 7, 1988; emergency amendments at 12 Ill. Reg. 16261, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; amended at 13 Ill. Reg. 10589, effective June 15, 1989; amended at 14 Ill. Reg. 14775, effective September 4, 1990; amended at 14 Ill. Reg. 19854, effective December 3, 1990; amended at 15 Ill. Reg. 11586, effective August 2, 1991; amended at 16 Ill. Reg. 11069, effective June 30, 1992; amended at 17 Ill. Reg. 10785, effective July 1, 1993.

Section 570.20 Statewide Season Dates

- a) Muskrat, mink, raccoon, opossum, striped skunk and weasel
1) Northern Zone: November 5 through January 3.
2) Southern Zone: November 16 15 through January 14 13.
b) Red fox, gray fox and coyote
1) Northern Zone: November 16 15 through January 14 13.
2) Southern Zone: November 16 15 through January 14 13.

c) Beaver

- 1) Northern Zone: November 5 through March 31, except those portions of Carroll, Whiteside, and Rock Island counties lying west of Illinois Rt. 84 from Interstate 80 north to the Jo Daviess County line will be open to beaver trapping only from November 5 through January 3, inclusive.

- 2) Southern Zone: November 16 15 through March 31.

d) Woodchuck (Groundhog)

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Northern and Southern Zones: June 1 through September 30.

(Source: Amended at 17 Ill. Reg. 10785, effective July 1, 1993)

Section 570.30 Statewide Hours, Daily Limit and Possession Limit

- a) Muskrat, mink, raccoon, opossum, striped skunk and weasel
1) Trapping hours: November 5 in the Northern Zone and November 16 15 in the Southern Zone open for trapping at sunrise; January 3 in the Northern Zone and January 14 13 in the Southern Zone closed for trapping after sunset; otherwise, hours are unrestricted.

- 2) Daily and possession limit: None

- b) Red fox, gray fox and coyote

- 1) Trapping hours: November 16 15 open for trapping at sunrise; January 3 in the Northern Zone and January 14 13 in the Southern Zone closed for trapping after sunset; otherwise, hours are unrestricted.

- 2) Daily and possession limit: None

c) Beaver

- 1) Trapping hours: November 5 in the Northern Zone and November 16 15 in the Southern Zone open for trapping at sunrise; March 31 closed for trapping after sunset except those portions of Carroll, Whiteside and Rock Island Counties lying west of Illinois Rt. 84 from Interstate 80 north to the Jo Daviess County line, are closed for trapping January 3 after sunset; otherwise, hours are unrestricted.

- 2) Daily and possession limit: None

d) Woodchuck (groundhog)

- 1) Trapping hours: June 1 open for trapping at sunrise; September 30 closed for trapping after sunset; otherwise hours are unrestricted.

- 2) Daily and possession limit: none.

(Source: Amended at 17 Ill. Reg. 10785, effective July 1, 1993)

Section 570.40 Trapping Regulations on Department-Owned, -Leased or -Managed Sites

a) General Regulations

- 1) All the regulations in 17 Ill. Adm. Code 510--General Hunting and Trapping apply in this Section, unless this Section is more restrictive.

- 2) On areas where special Department tags are issued to trappers, traps without tags attached will be subject to confiscation.

- 3) Trappers must stay within designated areas.

- 4) For sites where permits are required a drawing shall be held

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prior to the opening of the season. The date of the drawing shall be announced by the Department by news release and the drawing shall be held at the site. The number of permits per site shall be determined pursuant to 17 Ill. Adm. Code 510.20. Permit applicants must submit name and address to the site prior to drawing.

- 5) All sites except Amax-beaved-bands; Lake--Kincaid; Kinkaid Lake Fish and Wildlife Area; Mississippi River Pools 16, 17, 18, 21, 22, 24, Rend Lake Wildlife Management Area, Sangamon Fish and Wildlife Area, and Savanna Ordnance Depot and Sunspot Mine require trappers to submit a harvest report to the site superintendent within 20 days following the close of the trapping season. Failure to report shall result in the trapper being ineligible to trap at that site for the following year.

- 6) Egg Traps, D-P (Dog-Proof) Traps, and traps of similar design may be used for land sets and water sets. Sites listed in 510.40(b) that say "water sets only" do not prohibit the use of Egg Traps, D-P (Dog-Proof) Traps or traps of similar design on land unless so stated.

- 67) Any person who violates the site specific regulations shall be guilty of a Class B Misdemeanor.

- b) Statewide regulations as provided for in this Part apply at the following sites (exceptions in parentheses), in addition, body gripping traps with a 10 inch jaw spread or larger must be totally submerged in water when set:

Amax-beaved-bands

Anderson Lake Conservation Area (no trapping during duck season; permit required; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; only box or cage-type traps may be used for land sets)

Argyle Lake State Park (permit required; water sets only; beaver trapping only; square body-gripping traps with 10 inch jaw spread only)

Banner Marsh State Fish and Wildlife Area (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foothold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used)

Big Bend Fish and Wildlife Area (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; after the close of upland rabbit season

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foot-hold traps with a jaw spread of 7 1/2 inches or less may be used for water sets)

Carlyle Lake Wildlife Management Area (permit required; permit must be carried at all times when the trapper is on the area; water sets only; no trapping within 200 feet of developed recreation areas; no trapping in the subimpoundment area until after the close of the duck hunting season (the subimpoundment area is defined as that area bordered by the Kaskaskia River on the east and south and extending north and west to the Carlyle Lake project boundary and includes impoundment numbers 1, 2, 3 and 4); all traps used must be tagged with special Carlyle Lake trap tags which shall be issued at the site headquarters)

Clinton Lake Recreation Area (permit required; water sets only)

Coffeen Lake State Park (permit required; water sets only; no trapping during duck season)

Coleta Ponds (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets)

Dog Island Wildlife Management Area (permit required; water sets only)

Elidon Hazlet State Park - north of Allen Branch and west of Peppenhorst Branch only (permit required; water sets only)

Fort de Chartres Historical Site (permit required; water sets only)

Giant City State Park (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less may be used)

Hennepin Canal Parkway including Sinnissippi Lake (permit required; water sets designated to drown the animal only; trappers must register at park office; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; no floats may be set more than 14 days prior to the season and must be removed at the conclusion of the season; Egg Traps, D-P Traps and traps of similar design are prohibited)

Horseshoe Lake Conservation Area (Alexander County) (permit

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required; water sets only)

I & M Canal (permit required; only box or cage-type traps may be used for land sets)

Johnson-Sauk Trail State Park (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less; foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used)

Kaskaskia River Fish and Wildlife Area (permit required; water sets only; Doza Creek Waterfowl Management Area closed three days prior to and during duck season)

Kidd Lake State Natural Area (permit required; water sets only)

Lake Kinkaid Lake Fish and Wildlife Area

Lake Le-Aqua-Na State Park (permit required; only body-gripping traps with a jaw spread of 5 inches or less; foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; only box or cage-type traps may be used for land sets)

Lake Shelbyville Eagle Creek Wildlife Management Area (permit required; current or previous year's Illinois trapping license required to enter drawing; no more than 50 traps may be used per permit; all traps must be tagged with the letters ECWA and the year; permit must be in possession when on the area for trapping purposes; only body-gripping traps with a jaw spread of 5 inches or less or foot-hold traps with a jaw spread of 4 1/2 inches or less may be used for land sets; square body-gripping traps with a 10 inch jaw spread may be used for water sets; beaver trapping closes at the end of the muskrat season)

Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area (permit required; current or previous year's Illinois trapping license required to enter drawing; no more than 50 traps may be used per permit; no trapping in Fish Hook, Jonathan Creek, Dunn or McGee Waterfowl Areas during waterfowl season; all traps must be tagged with the letters SFWA and the year); only body-gripping traps with a jaw spread of 5 inches or less or foot-hold traps with a jaw spread of 4 1/2 inches or less may be used for land sets; square body-gripping traps with a 10 inch jaw spread may be used for water sets; beaver trapping closes at the end of muskrat season)

Mackinaw River State Fish and Wildlife Area (permit required; water sets only; only body-gripping traps with a jaw spread of 5

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inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets)

Marshall County Fish and Wildlife Area (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; no trapping during duck season)

Mermet Lake Fish and Wildlife Area (permit required; water sets only)

Mississippi Palisades State Park (permit required; water sets only; beaver trapping only; square body-gripping traps with 10 inch jaw spread only)

Mississippi River Pools 16, 17, 18, 21, 22, 24

Mississippi River Pools 25, 26 (permit required; water sets only; no trapping during waterfowl season)

Moraine Hills State Park (permit required; no more than two persons may enter drawing on a single card; current or previous year's Illinois trapping license required to enter drawing; trapping limited to Wildlife Area only; only muskrats may be taken; all traps must be water sets only; furthermore, only body-gripping traps with a jaw spread of 5 inches or less may be used)

Morrison Rockwood State Park (permit required; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; only box or cage-type traps may be used for land sets)

Panther Creek Conservation Area

Pyramid State Park (permit required; water sets only)

Randolph-County Conservation Area (permit required; water sets only)

Rend Lake Project Lands and Waters (water sets only)

Rice Lake Fish and Wildlife Area (no trapping during duck season; permit required; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread

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may be used for water sets; only box- or cage-type traps may be used for land sets)

Rock Cut State Park (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets)

Sanganois Fish and Wildlife Area (no trapping in designated duck rest areas during the duck season)

Sangchris Lake Fish and Wildlife Area (permit required; water sets only; no trapping during duck season)

Savanna Ordnance Depot (trapping area includes the islands and associated backwater sloughs immediately upstream from Lock and Dam 12; no trapping on mainland)

Shabbona Lake State Park (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets)

Sparland Fish and Wildlife Area (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; no trapping during duck season)

Spring Lake Conservation Area (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; no trapping during duck season)

Sunspot Mine (Fulton and Schuyler Counties)

Ten Mile Creek State Fish and Wildlife Area (permit required; water sets only; areas designated as Refuge are closed to all access during Canada Goose Season only; permits must be returned to the State Office District Wildlife Manager, P.O. Box 313, Olney, Ill. 62450 by March 15)

Turkey Bluffs Fish and Wildlife Area (permit required; water sets only)

Union County Conservation Area (permit required; water sets only)

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Washington County Conservation Area (permit required; water sets only)

c) Trapping is prohibited on all other Department-Owned, -leased or -managed sites except by special permit which shall be issued by the Department when it is determined that the harvest of a species would enhance the biological balance of the resource.

- 1) All regulations shall be according to species regulations as provided for in this Part.
- 2) Permit application information and site specific regulations shall be announced publicly by the Department through the news media by September 1 of each year.
- 3) Site specific regulations shall be listed on the application and permit and posted at the site.

(Source: Amended at 17 Ill. Reg. 10785, effective July 1, 1993)

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NOTICE OF ADOPTED AMENDMENTS

1) HEADING OF THE PART: Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting

2) CODE CITATION: 17 Ill. Adm. Code 550

3) SECTION NUMBERS:

550.10
550.20
550.30

ADOPTED ACTION:

Amendments
Amendments
Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29) [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

5) EFFECTIVE DATE OF AMENDMENTS: July 1, 1993

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 28, 1993

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: April 9, 1993, 17 Ill. Reg. 4622

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

In the Authority Note, the commas following "3.28" were removed in three places.

In Section 550.10(b), "[520 ILCS 5/3.27]" was inserted following the first statutory citation and "[520 ILCS 5/3.28 and 3.29]" was inserted following the second statutory citation.

In Section 550.30(c), "Siloam Springs" the comma at the end of the paragraph was removed.

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

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13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF AMENDMENTS: The amendments to this Part change statewide season dates, open two additional sites and close one site to furbearer hunting and modify site specific seasons and regulations at sites.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 550

RACCOON, OPOSSUM, STRIPED SKUNK, RED FOX, GRAY FOX, COYOTE
AND WOODCHUCK (GROUNDHOG) HUNTING

Section

550.10 General Regulations

550.20 Statewide Regulations

550.30 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting on Department-Owned, -Leased or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29) [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

SOURCE: 5 Ill. Reg. 8833, effective August 25, 1981; codified at 5 Ill. Reg. 10636; emergency amendment at 5 Ill. Reg. 11593, effective October 20, 1981, for a maximum of 150 days; amended at 6 Ill. Reg. 10714, effective August 20, 1982; amended at 7 Ill. Reg. 10782, effective August 24, 1983; amended at 7 Ill. Reg. 16098, effective November 22, 1983; amended at 8 Ill. Reg. 21593, effective October 23, 1984; amended at 9 Ill. Reg. 16204, effective October 9, 1985; emergency amendments at 9 Ill. Reg. 18151, effective November 12, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 16649, effective September 22, 1986; amended at 11 Ill. Reg. 9540, effective May 5, 1987; amended at 12 Ill. Reg. 11730, effective June 30, 1988; amended at 13 Ill. Reg. 10598, effective June 19, 1989; amended at 14 Ill. Reg. 10798, effective June 20, 1990; amended at 15 Ill. Reg. 11598, effective August 2, 1991; amended at 16 Ill. Reg. 11078, effective June 30, 1992; amended at 17 Ill. Reg. 10795, effective July 1, 1993.

Section 550.10 General Regulations

a) It is unlawful to hunt raccoon, opossum, striped skunk, red fox, gray fox, coyote and woodchuck (groundhog) in counties open for deer hunting during the firearm deer hunting season as specified in 17 Ill. Adm. Code 650.10, except coyotes may be taken during legal deer hunting hours, only with a shotgun loaded with slugs or a muzzle-loading firearm, and only by persons in possession of a valid unfilled firearms deer permit, during the firearm deer season as specified in 17 Ill. Adm. Code 650.10.

b) Shooting Game breeding and licensed hunting preserve areas licensed pursuant to Section 3.27 of the Wildlife Code (Ill. Rev. Stat. 1989 1991, ch. 61, par. 3.27) [520 ILCS 5/3.27] and managed pursuant to

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Sections 3.28 and 3.29 of the Wildlife Code (Ill. Rev. Stat. 1989 1991, ch. 61, pars. 3.28 and 3.29) [520 ILCS 5/3.28 and 3.29] are exempt from the provisions of this Part.

(Source: Amended at 17 Ill. Reg. 10795, effective July 1, 1993)

Section 550.20 Statewide Regulations

a) Raccoon, Opossum

- 1) Zones: The State of Illinois is divided by U.S. Rt. 36 (New Rt. 36) into a Northern Zone and Southern Zone.
- 2) Northern Zone hunting dates: November 5 through January 197 20, except as noted in Section 550.10(a) above.
- 3) Southern Zone hunting dates: November 16 15 through January 297 30, except as noted in Section 550.10(a) above.
- 4) Hunting hours: November 5 in the Northern Zone and November 16 15 in the Southern Zone open for hunting at sunrise; during archery deer season, raccoon and opossum bow hunting hours shall coincide with the statewide archery deer hunting hours; otherwise, hours are unrestricted. Section 2.26 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, par. 2.26) [520 ILCS 5/2.26].
- 5) Daily limit and possession limit: None.

b) Red fox and gray fox

- 1) Hunting dates: November 16 15 through January 31, except as noted in Section 550.10(a) above.
- 2) Hunting hours: Opens November 16 15 for hunting at sunrise; during archery deer season, red fox and gray fox bow hunting hours shall coincide with the statewide archery deer hunting hours; otherwise, hours are unrestricted.
- 3) Daily limit and possession limit: None.

c) Coyote and Striped Skunk

- 1) Hunting dates: Year around except as noted in Section 550.10(a) above.
- 2) Hunting hours: One-half hour before sunrise to sunset, except during the red fox and gray fox hunting season when statewide hunting hours are unrestricted, and except during archery deer season when coyote and striped skunk bow hunting hours shall coincide with the statewide archery deer hunting hours.
- 3) Daily limit and possession limit: None.

d) Woodchuck (groundhog)

- 1) Hunting dates: June 1 through the next following March 31, except as noted in Section 550.10(a) above.
- 2) Hunting hours: Sunrise to sunset.
- 3) Daily limit and possession limit: None.

(Source: Amended at 17 Ill. Reg. 10795, effective July 1, 1993)

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Section 550.30 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting on Department-Owned, -Leased or -Managed Sites.

- a) All the regulations in 17 Ill. Adm. Code 510-General Hunting and Trapping apply in this Section, unless this section is more restrictive.
- b) For sites where permits are required a drawing shall be held prior to the opening of the season. The date of the drawing shall be announced by the Department by news release and the drawing shall be held at the site. The number of permits per site shall be determined pursuant to 17 Ill. Adm. Code 510.20. For those sites which require a harvest report to be submitted following the close of hunting season, failure to report shall result in the hunter being ineligible to hunt at that site for the following year.
- c) Statewide regulations as provided for in this rule apply at the following sites (exceptions are in parentheses):

~~Amox--beased--bands--(=.22-rimfire-firearms-may-be-used-from-sunset to-sunrise)~~

Anderson Lake Conservation Area (coyote and striped skunk season shall coincide with statewide fox season; all hunting to begin after the close of regular waterfowl duck season; .22 rimfire firearms may be used from sunset to sunrise)

Argyle Lake State Park (coyote and striped skunk season shall coincide with statewide fox season; .22 rimfire firearms may be used from sunset to sunrise)

Banner Marsh State Fish and Wildlife Area (coyote only; shotgun and archery only; season to coincide with the site where upland rabbit game is hunted (see Section 530.10(b) and Section 530.20(b)) and site archery deer hunting seasons (See Section 670.10))

Big Bend Conservation Area (coyote and striped skunk season shall coincide with statewide fox season; .22 rimfire firearms may be used from sunset to sunrise)

Big River State Forest (coyote and striped skunk season shall coincide with statewide fox season; .22 rimfire firearms may be used from sunset to sunrise)

Campbell Pond Wildlife Management Area

Cache River State Natural Area (coyote and striped skunk season to coincide with statewide fox season)

Carlyle Lake Lands and Waters - Corps of Engineers managed lands (coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

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Carlyle Lake Wildlife Management Area (Waterfowl Management Area is closed during the waterfowl season; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting; .22 rimfire firearms may be used from sunset to sunrise)

Chauncey Marsh (permit required, may be obtained at Red Hills State Park headquarters; no hunting in dedicated Nature Preserve; return permit by February 15; .22 rimfire firearms may be used from sunset to sunrise; no woodchuck hunting; coyote and striped skunk season coincides with statewide fox season.)

Crawford County Conservation Area (Permit required; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting; .22 rimfire firearms may be used from sunset to sunrise)

Dog Island Wildlife Management Area

Eldon Hazlet State Park north of Allen Branch and west of Peppenhorst Branch (no woodchuck hunting; coyote and striped skunk season shall coincide with statewide fox season)

Fort de Chartres Historic Site (raccoon and opossum hunting only; hunting with muzzle-loading firearms only)

Green River State Wildlife Area (Lee County Conservation Area) (permit required; raccoon, fox and coyote hunting only; raccoon and fox season January 1 through the end of the statewide season; coyote season January 15 - February 28; .22 rimfire firearms permitted)

I-24 Wildlife Management Area

Iroquois County Conservation Area (Raccoon, opossum and coyote only; raccoon and opossum hunting permitted after close of permit pheasant season, permit required, .22 rimfire firearms may be used, hunting hours sunset to sunrise only; coyote hunting permitted as prescribed in Section 550.10(a) and sunrise to sunset from the end of permit pheasant season to January 31 and sunset to sunrise from end of permit pheasant season to end of fox season during which time .22 rimfire firearms may be used to take coyotes, free permit required)

Kankakee River State Park (raccoon and opossum hunting: .22 rimfire firearms may be used; hunting hours are sunset to sunrise; permit valid for designated night(s) only; person issued permit must be present to hunt or permit is void; permittee may take up to three hunting partners along; permit valid from sunset on designated date to sunrise the following day; hunters must

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report harvest to site superintendent by December 31; hunting is allowed only from statewide opening to sunrise on Wednesday prior to second firearm deer season, except as noted in Section 550.10(a); fox and coyote hunting - hunting allowed only from the day after the permit pheasant season closes through January 31; hunting hours are 4:00 a.m. to 8:00 p.m.; hunters must check out and report harvest prior to leaving site; hunters must obtain free season permits from site office prior to hunting)

Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 3 days prior to and during duck season; .22 rimfire firearms permitted from sunset to sunrise; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

Kickapoo State Park (raccoon, opossum and coyote only; raccoon and opossum hunting hours sunset to sunrise only; permit required, obtain from site office, .22 rimfire firearms may be used; coyote hunting permitted as prescribed in Section 550.10(a), and 8:00 a.m. to 4:00 p.m. daily during the statewide rabbit season, and sunset to sunrise from start of fox season to January 15, .22 rimfire firearms may be used to take coyote sunset to sunrise, permit required, obtain from site office. All permits must be returned and harvest reported by February 15 to the Park Office, R.R. 1, Box 374, Oakwood, Illinois 61858).

Kidd Lake State Natural Area (.22 rimfire may be used from sunset to sunrise; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

Lake Kinkaid Lake Fish and Wildlife Area

Lake Shelbyville - Kaskaskia and West Okaw Fish and Wildlife Area (night hunters must obtain a permit; .22 rimfire firearms may be used for taking raccoon, striped skunk, and opossum from sunset to sunrise only; no woodchuck hunting; coyote and striped skunk season to coincide with statewide fox season)

Lincoln Trail State Park (raccoon hunting only, .22 rimfire firearms may be used, hunting hours sunset to sunrise only, permit required, obtain from site office; hunters must report harvest to site superintendent by December 31; hunting season from sunset November 23 22 to sunrise December 2 1 and sunset December 7 6 to sunrise December 24 20)

Marseilles Conservation Area (no night hunting; fox and coyote hunting only; fox season January 1 - State closing; coyote January 1 - February 28; .22 rimfire firearms permitted)

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Marshall State Fish and Wildlife Area (raccoon and opossum only may be hunted; .22 rimfire firearms may be used from sunset to sunrise)

Middlefork Fish and Wildlife Area (raccoon, opossum and coyote only; raccoon and opossum hunting hours sunset to sunrise only, permit required, obtain from site office, .22 rimfire firearms may be used; coyote hunting permitted as prescribed in Section 550.10(a), and 8:00 a.m. to 4:00 p.m. daily during the statewide rabbit season, and sunset to sunrise from start of fox season to January 15, .22 rimfire firearms may be used to take coyote sunset to sunrise, permit required, obtain from site office. All permits must be returned and harvest reported by February 15 to the Park Office, R.R. 1, Box 374, Oakwood, Illinois 61858)

Mississippi River Pools 16, 17, 18 (hunting not permitted in developed areas; .22 rimfire firearms permitted)

Mississippi River Pools 21, 22, 24, 25, 26 (.22 rimfire firearms permitted; hunting not permitted within 300 ft. of any legal waterfowl blind or in developed areas during waterfowl season)

Oakford Conservation Area (.22 rimfire firearms permitted from sunset to sunrise)

Panther Creek Conservation Area (.22 rimfire firearms permitted; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

Pike County Conservation Area (all hunting closes November 30 in Area A; all hunting closes December 15 in Area C; .22 rimfire firearms permitted)

Ramsey Lake State Park (permits required; coyote and striped skunk season shall coincide with statewide fox season; .22 rimfire firearms may be used from sunset to sunrise)

Randolph County Conservation Area (.22 rimfire firearms may be used from sunset to sunrise; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

Rend Lake Project Lands and Waters

Rockhouse-Creek (Monroe-County)

Saline County Conservation Area (hunting north of the township road only; coyote and striped skunk season to coincide with the statewide fox season; .22 rimfire firearms may be used from sunset to sunrise)

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Sand Ridge State Forest (permit required; raccoon and opossum season dates shall coincide with trapping season; coyote and striped skunk season shall coincide with statewide fox season; .22 rimfire firearms permitted)

Sangamon County Conservation Area

Sangamon Conservation Area (hunting prohibited within 300 ft. of legal blinds or developed areas; .22 rimfire firearms may be used from sunset to sunrise)

Sangchris Lake State Park (fox and coyote hunting only; hunting is prohibited within 200 yards of developed areas such as picnic and camping areas; hunters pursuing upland game, waterfowl, or deer in accordance with site-specific regulations set forth in 17 Ill. Adm. Code 530, 590, 650, 660 and 670, respectively, may take fox and coyote during the statewide seasons for fox and coyote hunting. In addition, fox and coyote may be taken during statewide hunting hours from the end of the goose hunting season in the central zone to the end of the statewide fox hunting season; coyotes may be taken from one-half-hour-before-sunrise-to sunset--from the close of the statewide fox season through March 31; any fox or coyote taken must be removed from the site; hunters must report harvest at site office)

Shawnee National Forest, LaRue Scatters (season closes 3 days before opening of waterfowl duck season and remains closed through the waterfowl duck season; hunting-hours-are-sunrise--noon)

Shawnee National Forest, Oakwood Bottoms (Greentree Reservoir west of the Big Muddy Levee, season closes 3 days before opening of waterfowl duck season and remains closed through the waterfowl duck season; hunting-hours-are-sunrise---noon;--steel non-toxic shot only as defined in Section 590.10(d))

Siloam Springs State Park (coyote and striped skunk only; season will coincide with statewide archery deer season, for archers only; and second firearm season, shotgun only)

Silver Springs State Park (fox and coyote hunting only; season opens the day after pheasant season closes; hunting hours are 4:00 a.m. to 8:00 p.m. through January 31; coyote season closes March 1; hunters must check in and check out and report harvest prior to leaving site)

Site M (coyote hunting will be allowed as announced by the Department)

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Stephen A. Forbes State Park (permits required; coyote and striped skunk season shall coincide with statewide fox season; .22 rimfire firearms may be used from sunset to sunrise)

Sunspot Mine (Fulton and Schuyler Counties) (.22 rimfire firearms may be used from sunset to sunrise)

Tapley Woods State Natural Area (muzzle-loading rifles and .22 rimfire firearms may be used from sunset to sunrise; coyote and striped skunk season shall coincide with statewide fox season)

Ten Mile Creek State Fish and Wildlife Area (permit required; .22 rimfire firearms may be used from sunset to sunrise; parking cards must be displayed in windshield; permits must be returned by February 15 to the District Wildlife Manager, 700B West Lafayette, P.O. Box 313, Olney, IL 62450; areas designated as Refuge are closed to all access during Canada Goose Season only)

Trail of Tears State Forest (.22 rimfire firearms may be used from sunset to sunrise; coyote and striped skunk season shall coincide with statewide fox season; permit required, obtain from site office; permit must be returned and harvest reported by February 15 to the Park Office, R.R. 1, Box 1331, Jonesboro, IL 62952)

Turkey Bluffs Fish and Wildlife Area (permit-required-for-night hunting; .22 rimfire firearms may be used from sunset to sunrise; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

Walnut Point Fish and Wildlife Area (raccoon hunting only; .22 rimfire firearms may be used; hunting hours are sunset to sunrise; permit required; hunters must report harvest to the site superintendent by December 31; hunting allowed November 23 22 to sunrise on the Wednesday prior to the second firearm deer season and from sunset December 7 6 to sunrise December 21 20)

Washington County Conservation Area (permit required; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

Weinberg King State Park (permit required; coyote and striped skunk season shall coincide with statewide fox season; no woodchuck hunting)

Wildcat Hollow State Park (.22 rimfire firearms may be used from sunset to sunrise; coyote and striped skunk season shall coincide with statewide fox season)

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Woodford County Conservation Area (raccoon and opossum hunting only; hunters must register, season opens after ~~waterfowl~~ duck season closes; .22 rimfire firearms may be used from sunset to sunrise only)

- d) Statewide regulations as provided for in this Part apply at the following sites (exceptions noted in parentheses). In addition, hunters must obtain a permit from respective site office. Permits must be in possession while hunting. The permit must be returned and harvest reported by February 15. Coyote and skunk season shall coincide with statewide fox season. No woodchuck hunting is permitted.

Clinton Lake (.22 rimfire firearms may be used for taking raccoon, striped skunk and opossum from sunset to sunrise)

Eagle Creek State Park (no night hunting)

Fox Ridge State Park (.22 rimfire firearms may be used for taking raccoon, striped skunk and opossum from sunset to sunrise)

Hidden Springs State Park (.22 rimfire firearms may be used for taking raccoon, striped skunk and opossum from sunset to sunrise)

Lake Shelbyville Eagle Creek Wildlife Management Area (.22 rimfire firearms may be used for taking raccoon, striped skunk and opossum from sunset to sunrise)

(Source: Amended at 17 Ill. Reg. 10795, effective July 1, 1993)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

- 1) HEADING OF THE PART: Sport Fishing Regulations for the Waters of Illinois

- 2) CODE CITATION: 17 Ill. Adm. Code 810

- 3) SECTION NUMBERS: ADOPTED ACTION:

Amendment

- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5 of the Fish and Aquatic Life Code (Ill. Rev. Stat. 1991, ch. 56, pars. 1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5) [515 ILCS 5/1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5]

- 5) EFFECTIVE DATE OF AMENDMENT: July 1, 1993

- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

- 7) DOES THIS AMENDMENT CONTAIN INCORPORATIONS BY REFERENCE? No

- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 28, 1993

- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: April 9, 1993, 17 Ill. Reg. 4636

- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION: In the Main Source Note, the effective date for the emergency was filled in: "emergency amendment at 17 Ill. Reg. 5915, effective March 25, 1993, for a maximum of 150 days".

- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

- 13) WILL THIS AMENDMENT REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? Yes
Section Numbers Proposed Action Illinois Register Citation
 810.45 Amendment 17 Ill. Reg. 5915,
 3/25/93

- 14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENT(S)

15) SUMMARY AND PURPOSE OF AMENDMENT: In Section 810.45, "Apple River (within the boundaries of Apple River Canyon State Park)" was added to regulate the taking of smallmouth bass at that site. This segment of the Apple River was stocked in 1989, 1990 and 1991 with fingerling smallmouth bass in an effort to restore the fishery impacted by pollution fish kills which have occurred in 1980, 1981 and 1989. The restorative efforts have resulted in the establishment of an excellent population of 1, 2, and 3 year old smallmouth bass which range in size from 3.5 to 11.5 inches. The population has reached a point where exploitation by fishing has the potential to adversely impact the fishery within the park.

16) INFORMATION AND QUESTIONS REGARDING THIS ADOPTED AMENDMENT SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENT BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENT(S)

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 810
SPORT FISHING REGULATIONS FOR THE WATERS OF ILLINOIS

Section	
810.10	Sale of Fish and Fishing Seasons
810.20	Snagging
810.30	Pole and Line Fishing Only (Repealed)
810.35	Statewide Sportfishing Regulations - Daily Catch and Size Limits
810.37	Definitions for Site Specific Sportfishing Regulations
810.40	Daily Catch and Size Limits (Repealed)
810.45	Site Specific Water Area Regulations
810.50	Bait Fishing
810.60	Bullfrogs
810.70	Free Fishing Days
810.80	Emergency Protective Regulations
810.90	Fishing Tournament Permit
810.100	Bed Protection

AUTHORITY: Implementing and authorized by Sections 1-120, 1-125, 1-150, 5-5, 10-5, 10-12, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5 of the Fish and Aquatic Life Code (Ill. Rev. Stat. 1991, ch. 56, pars. 1-120, 1-125, 1-150, 5-5, 10-5, 10-12, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-35 and 25-5) [515 ILCS 5/1-120, 1-125, 1-150, 5-5, 10-5, 10-12, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5].

SOURCE: Adopted at 5 Ill. Reg. 751, effective January 8, 1981; codified at 5 Ill. Reg. 10647; amended at 6 Ill. Reg. 342, effective December 23, 1981; amended at 6 Ill. Reg. 7411, effective June 11, 1982; amended at 7 Ill. Reg. 209, effective December 22, 1982; amended at 8 Ill. Reg. 1564, effective January 23, 1984; amended at 8 Ill. Reg. 16769, effective August 30, 1984; amended at 9 Ill. Reg. 2916, effective February 26, 1985; emergency amendments at 9 Ill. Reg. 3825, effective March 13, 1985, for a maximum of 150 days; emergency expired August 10, 1985; amended at 9 Ill. Reg. 6181, effective April 24, 1985; amended at 9 Ill. Reg. 14291, effective September 5, 1985; amended at 10 Ill. Reg. 4835, effective March 6, 1986; amended at 11 Ill. Reg. 4638, effective March 10, 1987; amended at 12 Ill. Reg. 5306, effective March 8, 1988; emergency amendments at 12 Ill. Reg. 6981, effective April 4, 1988, for a maximum of 150 days; emergency expired September 1, 1988; emergency amendments at 12 Ill. Reg. 10525, effective June 7, 1988, for a maximum of 150 days; emergency expired November 4, 1988; amended at 12 Ill. Reg. 15982, effective September 27, 1988; amended at 13 Ill. Reg. 8419, effective May 19, 1989; emergency amendments at 13 Ill. Reg. 12643, effective July 14, 1989, for a maximum of 150 days; emergency expired December 11, 1989; emergency amendments at 13 Ill. Reg. 14085, effective September 4, 1989, for a maximum of 150 days;

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emergency expired February 1, 1990; emergency amendments at 13 Ill. Reg. 15118, effective September 11, 1989, for a maximum of 150 days, emergency expired February 8, 1990; amended at 14 Ill. Reg. 6164, effective April 17, 1990; emergency amendments at 14 Ill. Reg. 6865, effective April 17, 1990, for a maximum of 150 days; emergency expired September 19, 1990; amended at 14 Ill. Reg. 8588, effective May 21, 1990; amended at 14 Ill. Reg. 16863, effective October 1, 1990; amended at 15 Ill. Reg. 4699, effective March 18, 1991; emergency amendments at 15 Ill. Reg. 5430, effective March 27, 1991, for a maximum of 150 days; emergency expired August 24, 1991; amended at 15 Ill. Reg. 9977, effective June 24, 1991; amended at 15 Ill. Reg. 13347, effective September 3, 1991; amended at 16 Ill. Reg. 5267, effective March 20, 1992; emergency amendments at 16 Ill. Reg. 6016, effective March 25, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12526, effective July 28, 1992; amended at 17 Ill. Reg. 3853, effective March 15, 1993; emergency amendment at 17 Ill. Reg. 5915, effective March 25, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 10806, effective July 1, 1993.

Section 810.45 Site Specific Water Area Regulations

Fishing regulations, including species of fish, fishing methods and daily catch limits are listed for each water area. The numbers in parenthesis refer to the corresponding numbered definitions in Section 810.37 of this Part. If a water area is not listed or if a specific species is not listed, then state-wide restrictions apply. Check the bulletin boards at the specific site for any emergency changes to regulations.

Allison Lake, City of Allison

Logan County

All Fish

Channel Catfish

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Andover Lake, City of Andover

Henry County

All Fish

Channel Catfish

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Apple River (within the boundaries of Apple River Canyon State Park)

Jo Daviess County

Smallmouth Bass

Smallmouth Bass

- 14" Minimum Length Limit
- 1 Fish Daily Creel Limit

Argyle Lake, Argyle Lake State Park

McDonough County

All Fish

Channel Catfish

Large or Smallmouth Bass (14)

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 1 Fish more than 15" and/or
- 5 less than 12" Daily (12)
- 14" Minimum Length Limit

Walleye, Sauger or Hybrid

Walleye

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- 5 less than 12" Daily (12)

Ashland City Reservoir, City of Ashland

Cass County

All Fish

Channel Catfish

Large or Smallmouth Bass

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

Ashley Reservoir, City of Ashley

Washington County

All Fish

Channel Catfish

Large or Smallmouth Bass

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length

Auburn Park Lagoon, Chicago Park District

Cook County

All Fish

Channel Catfish

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Baker Lake, City of Peru

LaSalle County

All Fish

Bluegill or Redear Sunfish

Channel Catfish

Large or Smallmouth Bass

Large or Smallmouth Bass (14)

- 2 Pole and Line Fishing Only (1)
- 10 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 1 Fish Daily Creel Limit

Baldwin Lake, Baldwin Lake Conservation Area

Randolph County

All Fish

Large or Smallmouth Bass

Striped, White, or Hybrid

Striped Bass

Striped, White, or Hybrid

Striped Bass (16)

White, Black, or Hybrid

Crappie (15)

White, Black, or Hybrid

Crappie

- 2 Pole and Line Fishing Only (1)(28)
- 18" Minimum Length Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 25 Fish Daily Creel Limit
- 9" Minimum Length Limit

Banana Lake, Lake County Forest Preserve District

Lake County

All Fish

Channel Catfish

Large or Smallmouth Bass (14)

Large or Smallmouth Bass

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 1 Fish Daily Creel Limit
- 15" Minimum Length Limit

Banner Marsh Lake & Ponds, Banner Marsh State Fish and Wildlife Area

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Peoria/Fulton Counties		Walleye	- 14" Minimum Length Limit
All Fish	- 2 Pole and Line Fishing Only (1)(7)	White, Black, or Hybrid	- 10 Fish Daily Creel Limit
Channel Catfish	- 6 Fish Daily Creel Limit	Crappie (15)	
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit		
Large or Smallmouth Bass	- 14" Minimum Length Limit	Buckner City Reservoir, City of Buckner	
Walleye, Sauger, or Hybrid		Franklin County	- 2 Pole and Line Fishing Only (1)
Walleye	- 14" Minimum Length Limit	All Fish	- 6 Fish Daily Creel Limit
		Channel Catfish	
Bay Creek Lake, U.S. Forest Service			
Pope County		Bunker Hill Lake, City of Bunker Hill	
All Fish	- 2 Pole and Line Fishing Only (1)	Macoupin County	
Channel Catfish	- 6 Fish Daily Creel Limit	All Fish	- 2 Pole and Line Fishing Only (1)
		Channel Catfish	- 6 Fish Daily Creel Limit
Beall Woods Lake, Beall Woods Conservation Area			
Wabash County		Burrells Wood Park Pond	
All Fish	- 2 Pole and Line Fishing Only (1)	White County	- 6 Fish Daily Creel Limit
Channel Catfish	- 6 Fish Daily Creel Limit	Channel Catfish	
Large or Smallmouth Bass	- 15" Minimum Length Limit		
		Busse Lake, Cook County Forest Preserve	
Beaver Dam Lake, Beaver Dam State Park		Cook County	
Macoupin County		All Fish	- 2 Pole and Line Fishing Only (1)
All Fish	- 25 Fish Daily Creel Limit	Channel Catfish	- 6 Fish Daily Creel Limit
Bluegill or Redear Sunfish (14)		Walleye, Sauger, or Hybrid	
Channel Catfish	- 6 Fish Daily Creel Limit	Walleye	- 16" Minimum Length Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit		
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit	Carlyle Lake (20), U.S. Army Corps of Engineers	
White, Black, or Hybrid		Clinton County	
Crappie (15)	- 10 Fish Daily Creel Limit	Large or Smallmouth Bass	- 14" Minimum Length Limit
White, Black, or Hybrid		Walleye, Sauger, or Hybrid	- 14" Minimum Length Limit
	- 9" Minimum Length Limit	Walleye	- 10 Fish Daily Creel Limit
		White, Black, or Hybrid	- 10" Minimum Length Limit
Borah Lake, City of Olney		Crappie	
Richland County			
All Fish	- 2 Pole and Line Fishing Only (1)	Carthage Lake, City of Carthage	
Channel Catfish	- 6 Fish Daily Creel Limit	Hancock County	
Large or Smallmouth Bass	- 14" Minimum Length Limit	Channel Catfish	- 6 Fish Daily Creel Limit
Braidwood-Mazonia Lakes and Ponds, Mazonia-Braidwood State Fish and Wildlife Area		Cedar Lake, U.S. Forest Service and City of Carbondale	
Grundy/Will County		Jackson County	
All Fish	- 2 Pole and Line Fishing Only (1)	All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit	Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit	Striped, White, or Hybrid	
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit	Striped Bass	- 17" Minimum Length Limit
Striped, White, or Hybrid		Striped, White, or Hybrid	
Striped Bass	- 17" Minimum Length Limit	Striped Bass (16)	- 3 Fish Daily Creel Limit
Striped, White, or Hybrid		Walleye, Sauger, or Hybrid	
Striped Bass (16)	- 3 Fish Daily Creel Limit	Walleye	- 14" Minimum Length Limit

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Centralia Lake, City of Centralia
Marion County

- Large or Smallmouth Bass - 15" Minimum Length Limit
- Charleston Lower Channel Lake, City of Charleston
Coles County
 - All Fish - 2 Pole and Line Fishing Only (1)
- Charleston Side Channel Lake, City of Charleston
Coles County
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit
 - Large or Smallmouth Bass - 14" Minimum Length Limit
 - Striped, White, or Hybrid - 17" Minimum Length Limit
 - Striped Bass - 3 Fish Daily Creel Limit
- Charlie Brown Lake & Pond, City of Flora
Clay County
 - All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit
 - Large or Smallmouth Bass - 14" Minimum Length Limit

Citizen's Lake, State of Illinois
Warren County

- All Fish - 2 Pole and Line Fishing Only (1)
- Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14" Minimum Length Limit
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Clinton Lake, Clinton Lake State Recreation Area
DeWitt County

- All Fish - 2 Pole and Line Fishing Only (1)(18)
- Large or Smallmouth Bass - 14" Minimum Length Limit
- Striped, White, or Hybrid - 17" Minimum Length Limit
- Striped Bass - 3 Fish Daily Creel Limit
- Striped, White, or Hybrid - 14" Minimum Length Limit
- Walleye or Sauger - 15 Fish Daily Creel Limit
- White, Black, or Hybrid - 10" Minimum Length Limit
- Crappie (15)
- White, Black, or Hybrid
- Crappie

Coal Creek Fish and Wildlife Area, State of Illinois
Bureau County

- 10" Minimum Length Limit

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- All Fish - 2 Pole and Line Fishing Only (1)
- Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14" Minimum Length Limit
- Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Coffee Lake, Coffee Lake State Fish and Wildlife Area
Montgomery County

- Large or Smallmouth Bass - 15" Minimum Length Limit
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
- White, Black, or Hybrid - 10 Fish Daily Creel Limit
- Crappie (15)
- White, Black, or Hybrid - 9" Minimum Length Limit
- Crappie

Coles County Airport Lake, Coles County Airport
Coles County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14" Minimum Length Limit

Columbus Park Lagoon, Chicago Park District
Cook County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

Cook Co. F.P.D. Lakes, Cook County Forest Preserve District
Cook County

- All Fish - 2 Pole and Line Fishing Only (1)

Coulterville City Lake, City of Coulterville
Randolph County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

Crab Orchard National Wildlife Refuge, Crab Orchard Lake, U.S. Fish and Wildlife Service
Williamson County

- All Fish - 2 Pole and Line Fishing Only (1)(4)
- Striped, White, or Hybrid - 10 Creel/3 Fish 17" or Longer Daily (17)
- Striped Bass (16)

Crab Orchard National Wildlife Refuge, Devil's Kitchen Lake, U.S. Fish and Wildlife Service
Williamson County

- All Fish - 2 Pole and Line Fishing Only (1)

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Forbes State Lake & Ponds, Stephen A. Forbes State Park
Marion County

- All Fish
- 2 Pole and Line Fishing Only (1)(5)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Forest Park Lagoon, City of Shelbyville

- All Fish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Four Lakes, Winnebago County Forest Preserve
Winnebago County

- All Fish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Fox Chain O'Lakes, State of Illinois
Lake and McHenry Counties

- Large or Smallmouth Bass
- 14" Minimum Length Limit (6)
- Pure Muskellunge
- 36" Minimum Length Limit
- Walleye, Sauger, or Hybrid
- 18" Minimum Length Limit (6)
- Walleye, Sauger, or Hybrid
- 3 Fish Daily Creel Limit (6)
- Walleye (14)

Frank Holten Lakes, Frank Holten State Park
St. Clair County

- All Fish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Large or Smallmouth Bass
- 14" Minimum Length Limit

Franklin Creek, Franklin Creek State Natural Area
Lee County

- All Fish
- 2 Pole and Line Fishing Only (1)(9)

Gale Lake, Village of East Galesburg
Knox County

- All Fish
- 2 Pole and Line Fishing Only (1)
- 10 Fish Daily Creel Limit
- Bluegill or Redear Sunfish (14)
- Channel Catfish
- 6 Fish Daily Creel Limit
- Large or Smallmouth Bass
- 15" Minimum Length Limit
- Large or Smallmouth Bass (14)
- 3 Fish Daily Creel Limit

Garfield Park Lagoon, Chicago Park District
Cook County

- All Fish
- 2 Pole and Line Fishing Only (1)
- Channel Catfish
- 6 Fish Daily Creel Limit

Gebhard Woods Ponds, Gebhard Woods State Park

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NOTICE OF ADOPTED AMENDMENT(S)

Grundy County
All Fish

- 2 Pole and Line Fishing Only (1)
- Giant City Park Ponds, State of Illinois
Jackson and Union Counties
- Large or Spotted Bass
 - 15" Minimum Length Limit

Gillespie New City Lake, City of Gillespie
Macoupin County

- Channel Catfish
- 6 Fish Daily Creel Limit
- Large or Smallmouth Bass
- 12-15" Slot Length Limit (3)
- Large or Smallmouth Bass (14)
- 3 Fish Daily Creel Limit

Gillespie Old City Lake, City of Gillespie
Macoupin County

- All Fish
- 2 Pole and Line Fishing Only (1)
- Channel Catfish
- 6 Fish Daily Creel Limit
- Large or Smallmouth Bass
- 15" Minimum Length Limit
- Large or Smallmouth Bass (14)
- 3 Fish Daily Creel Limit

Gladstone Lake, Henderson County Conservation Area
Henderson County

- All Fish
- 2 Pole and Line Fishing Only (1)
- Bluegill or Redear Sunfish (14)
- 10 Fish Daily Creel Limit
- Channel Catfish
- 6 Fish Daily Creel Limit
- Large or Smallmouth Bass
- 12-15" Slot Length Limit (3)
- Large or Smallmouth Bass (14)
- 3 Fish Daily Creel Limit

Glen Shoals Lake, City of Hillsboro
Montgomery County

- Large or Smallmouth Bass
- 15" Minimum Length Limit
- Large or Smallmouth Bass (14)
- 3 Fish Daily Creel Limit
- Striped, White, or Hybrid
- Striped Bass
- 17" Minimum Length Limit
- Striped, White, or Hybrid
- 3 Fish Daily Creel Limit
- Striped Bass (16)

Gumpers Park Lagoon, Chicago Park District
Cook County

- All Fish
- 2 Pole and Line Fishing Only (1)
- Channel Catfish
- 6 Fish Daily Creel Limit

Gordon F. More Park Lake, City of Alton
Madison County

- All Fish
- 2 Pole and Line Fishing Only (1)
- Bluegill or Redear Sunfish (14)
- 25 Fish Daily Creel Limit
- Channel Catfish
- 6 Fish Daily Creel Limit
- Large or Smallmouth Bass (14)
- 2 Fish <15" &/or 1 Fish >or= 15" Daily (25)

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Governor Bond Lake, City of Greenville

- Bond County
- 15" Minimum Length Limit
 - 3 Fish Daily Creel Limit
 - Large or Smallmouth Bass
 - Large or Smallmouth Bass (14)
 - Striped, White, or Hybrid
 - Striped Bass
 - Striped, White, or Hybrid
 - Striped Bass (16)

Greenfield City Lake, City of Greenfield

- Green County
- 2 Pole and Line Fishing Only (1)
 - All Fish
 - 6 Fish Daily Creel Limit
 - Channel Catfish

Greenville Old City Lake, City of Greenville

- Bond County
- 2 Pole and Line Fishing Only (1)
 - All Fish
 - 6 Fish Daily Creel Limit
 - Channel Catfish

Harrisburg New City Reservoir, City of Harrisburg

- Saline County
- 2 Pole and Line Fishing Only (1)
 - All Fish
 - 6 Fish Daily Creel Limit
 - Channel Catfish

Heidecke Lake, Heidecke Lake State Fish and Wildlife Area

- Grundy County
- 2 Pole and Line Fishing Only (1)
 - All Fish
 - 6 Fish Daily Creel Limit
 - Channel Catfish
 - 18" Minimum Length Limit
 - Large or Smallmouth Bass
 - Large or Smallmouth Bass (14)
 - Striped, White, or Hybrid
 - Striped Bass (16)
 - 10 Creel/3 Fish 17" or Longer
 - Daily (17)

Walleye, Sauger, or Hybrid

- Walleye
- Walleye, Sauger, or Hybrid
- Walleye (14)

Hennepin Canal-Mainline & Feeder, Hennepin Canal Parkway State Park

- Multiple Counties
- All Fish
 - 2 Pole and Line Fishing Only (1)(13)
 - 14" Minimum Length Limit
 - Large or Smallmouth Bass
 - Walleye, Sauger, or Hybrid
 - Walleye
 - 14" Minimum Length Limit

Herrick Lake, DuPage County Forest Preserve District

- DuPage County
- 2 Pole and Line Fishing Only (1)
 - All Fish

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Channel Catfish

- 6 Fish Daily Creel Limit

Hidden Springs State Forest Ponds, Hidden Springs State Forest

- Shelby County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - All Fish
 - Channel Catfish
 - Large or Smallmouth Bass

Highland Old City Lake, City of Highland

- Madison County
- 2 Pole and Line Fishing Only (1)
 - All Fish
 - 6 Fish Daily Creel Limit
 - Channel Catfish

Hillsboro Old City Lake, City of Hillsboro

- Montgomery County
- 2 Pole and Line Fishing Only (1)
 - All Fish
 - 6 Fish Daily Creel Limit
 - Large or Smallmouth Bass
 - 12-15" Slot Length Limit (3)

Homer Lake, Champaign County Forest Preserve District

- Champaign County
- 2 Pole and Line Fishing Only (1)
 - All Fish
 - 6 Fish Daily Creel Limit
 - Channel Catfish
 - Large or Smallmouth Bass
 - 14" Minimum Length Limit

Hornell Ponds, Donnelly State Fish and Wildlife Area

- Bureau County
- 2 Pole and Line Fishing Only (1)(19)
 - All Fish
 - 6 Fish Daily Creel Limit
 - Channel Catfish
 - Large or Smallmouth Bass
 - 14" Minimum Length Limit

Horseshoe Lake-Alexander Co., Horseshoe Lake Conservation Area

- Alexander County
- 2 Pole and Line Fishing Only (1)
 - All Fish
 - 6 Fish Daily Creel Limit
 - Channel Catfish
 - Large or Smallmouth Bass
 - 14" Minimum Length Limit

Horton Lake, Nauvoo State Park

- Hancock County
- 2 Pole and Line Fishing Only (1)
 - All Fish
 - 6 Fish Daily Creel Limit
 - Channel Catfish

Humbolt Park Lagoon, Chicago Park District

- Cook County
- 2 Pole and Line Fishing Only (1)
 - All Fish
 - 6 Fish Daily Creel Limit
 - Channel Catfish

Ill. Dept. of Transportation Lake, State of Illinois

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Sangamon County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Illinois & Michigan Canal, State of Illinois
Grundy/LaSalle Counties
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Illinois Beach State Park Ponds, Illinois Beach State Park
Lake County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Jackson Park (Columbia Basin) Lagoon, Chicago Park District
Cook County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Johnson Sauk Trail Lake & Pond, Johnson Sauk Trail State Park
Henry County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Jones Park Lake, City of East St. Louis
St. Clair County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Jones State Lake, Saline County Conservation Area
Saline County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Jubilee College State Park Ponds, Jubilee College State Park
Peoria County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Kaskaskia River & all tributaries, State of Illinois
Multiple Counties
Walleye, Sauger, or Hybrid
Walleye
- 14" Minimum Length Limit

Kendall Co. Lake #1, Kendall County Forest Preserve District
Kendall County
All Fish
- 2 Pole and Line Fishing Only (1)

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Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit

Kickapoo State Park Lakes & Ponds, Kickapoo State Park
Vermillion County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Kinkaid Lake, Kinkaid Lake State Fish and Wildlife Area
Jackson County
Large or Smallmouth Bass
Pure Muskellunge
Walleye, Sauger, or Hybrid
Walleye
- 18" Minimum Length Limit
- 36" Minimum Length Limit
- 14" Minimum Length Limit

Lake Atwood, McHenry County Conservation District
McHenry County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Lake Bloomington, City of Bloomington
McLean County
Large or Smallmouth Bass
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
Walleye, Sauger, or Hybrid
Walleye
- 15" Minimum Length Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 14" Minimum Length Limit

Lake Carlton, Morrison-Rockwood State Park
Whiteside County
All Fish
Channel Catfish
Large or Smallmouth Bass (14)
Large or Smallmouth Bass
Pure Muskellunge
Walleye, Sauger, or Hybrid
Walleye
White, Black, or Hybrid
Crappie (15)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 1 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 36" Minimum Length Limit
- 14" Minimum Length Limit

Lake Co. Forest Preserve District Lakes, Lake County Forest Preserve District
Lake County
All Fish
Channel Catfish
Large Smallmouth Bass (14)
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 1 Fish Daily Creel Limit
- 15" Minimum Length Limit

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Lake Decatur, City of Decatur Macon County	- 2 Pole and Line Fishing Only (1) - 14" Minimum Length Limit - 14" Minimum Length Limit
All Fish Large or Smallmouth Bass Walleye, Sauger, or Hybrid Walleye	
Lake Eureka, City of Eureka Woodford County	
All Fish Channel Catfish Large or Smallmouth Bass (14)	- 2 Pole and Line Fishing Only (1) - 6 Fish Daily Creel Limit - 2 Fish <15" &/or 1 Fish >or= 15" Daily (25)
Lake George, Loud Thunder Forest Preserve Rock Island County	
All Fish Channel Catfish Large or Smallmouth Bass Pure Muskellunge Walleye, Sauger, or Hybrid Walleye	- 2 Pole and Line Fishing Only (1) - 6 Fish Daily Creel Limit - 14" Minimum Length Limit - 36" Minimum Length Limit - 14" Minimum Length Limit
Lake Glendale, Shawnee National Forest Pope County	
All Fish Channel Catfish	- 2 Pole and Line Fishing Only (1) - 6 Fish Daily Creel Limit
Lake Jacksonville, City of Jacksonville Morgan County	
All Fish Channel Catfish Large or Smallmouth Bass Striped, White, or Hybrid Striped Bass Striped, White, or Hybrid Striped Bass (16) White, Black, or Hybrid Crappie White, Black, or Hybrid Crappie	- 2 Pole and Line Fishing Only (1) - 6 Fish Daily Creel Limit - 15" Minimum Length Limit - 17" Minimum Length Limit - 3 Fish Daily Creel Limit - 25 Fish Daily Creel Limit - 9" Minimum Length Limit
Lake Kakusha, City of Mendota LaSalle County	
All Fish Bluegill or Redear Sunfish (14) Channel Catfish Large or Smallmouth Bass Large or Smallmouth Bass (14)	- 2 Pole and Line Fishing Only (1) - 10 Fish Daily Creel Limit - 6 Fish Daily Creel Limit - 14" Minimum Length Limit - 3 Fish Daily Creel Limit

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White, Black, or Hybrid Crappie (15)	- 10 Fish Daily Creel Limit
Lake Le-Aqua-Na, Lake Le-Aqua-Na State Park Stephenson County	
All Fish Bluegill or Redear Sunfish (14) Channel Catfish Large or Smallmouth Bass (14) Large or Smallmouth Bass Walleye, Sauger, or Hybrid Walleye White, Black, or Hybrid Crappie (15)	- 2 Pole and Line Fishing Only (1) - 10 Fish Daily Creel Limit - 6 Fish Daily Creel Limit - 1 Fish Daily Creel Limit - 14" Minimum Length Limit - 14" Minimum Length Limit - 25 Fish Daily Creel Limit
Lake Mendota, City of Mendota LaSalle County	
Channel Catfish	- 6 Fish Daily Creel Limit
Lake Michigan (Illinois Portion), State of Illinois Lake/Cook Counties Trout and Salmon	
Lake Trout	- 10" Minimum Length Limit - No More Than 3 Fish of Any One Species Daily, Except for Lake Trout - 2 Fish Daily Creel Limit
Lake Milliken, Des Plaines Conservation Area Will County	
All Fish Channel Catfish	- 2 Pole and Line Fishing Only (1) - 6 Fish Daily Creel Limit
Lake Mingo & Ponds Kennekuk Cove Park, Vermillion County Conservation Area Vermillion County	
All Fish Bluegill or Redear Sunfish (14) Channel Catfish Large or Smallmouth Bass Walleye, Sauger, or Hybrid Walleye	- 2 Pole and Line Fishing Only (1) - 25 Fish Daily Creel Limit - 6 Fish Daily Creel Limit - 15" Minimum Length Limit - 14" Minimum Length Limit
Lake Murphysboro, Lake Murphysboro State Park Jackson County	
All Fish Bluegill or Redear Sunfish (14) Channel Catfish Large or Smallmouth Bass	- 2 Pole and Line Fishing Only (1) - 25 Fish Daily Creel Limit - 6 Fish Daily Creel Limit - 15" Minimum Length Limit
Lake Nellie, City of St. Elmo	

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

Fayette County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Lake of the Woods & Elk's Pond, Champaign County Forest Preserve District
Champaign County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 1 Fish Daily Creel Limit

Lake Olson, Rock Cut State Park
Winnebago County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Lake Paradise & Shadow Ponds, City of Mattoon
Coles County
All Fish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 14" Minimum Length Limit

Lake Paradise Shadow Ponds, City of Mattoon
Coles County
Channel Catfish
- 6 Fish Daily Creel Limit

Lake Sara, City of Effingham
Effingham County
Large or Smallmouth Bass
Walleye, Sauger, or Hybrid
Walleye
- 14" Minimum Length Limit
- 14" Minimum Length Limit

Lake Shelbyville (21), U.S. Army Corps of Engineers
Moultrie/Shelby Counties
Large or Smallmouth Bass
Pure Muskellunge
Walleye, Sauger, or Hybrid
Walleye
- 14" Minimum Length Limit
- 10 Fish Daily Creel Limit
- 10" Minimum Length Limit

Lake Shelbyville Ponds & Woods Lake, Lake Shelbyville State Fish and Wildlife Area
Moultrie/Shelby Counties
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

Large or Smallmouth Bass
- 14" Minimum Length Limit

Lake Springfield, City of Springfield
Sangamon County
All Fish
Large or Smallmouth Bass
Walleye, Sauger, or Hybrid
Walleye
White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie
- 2 Pole and Line Fishing Only (1)
- 15" minimum Length Limit
- 14" Minimum Length Limit
- 25 Fish Daily Creel Limit
- 9" Minimum Length Limit

Lake Storey, City of Galesburg
Knox County
All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
Large or Smallmouth Bass
Walleye, Sauger, or Hybrid
Walleye
Walleye, Sauger, or Hybrid
Walleye (14)
- 2 Pole and Line Fishing Only (1)
- 25 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit

Lake Sule, Flagg-Rochelle Park District
Ogle County
All Fish
Channel Catfish
Pure Muskellunge
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 36" Minimum Length Limit

Lake Taylorville, City of Taylorville
Christian County
Large or Smallmouth Bass
White, Black, or Hybrid
Crappie
Crappie (15)
- 15" Minimum Length Limit
- 9" Minimum Length Limit
- 25 Fish Daily Creel Limit

Lake Vandalia, City of Vandalia
Fayette County
All Fish
Channel Catfish
Large or Smallmouth Bass
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit

Lake Vermilion, Vermilion County Conservation District

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

Vermillion County
 All Fish
 Large or Smallmouth Bass
 Pure Muskellunge
 Walleye, Sauger, or Hybrid
 Walleye
 - 2 Pole and Line Fishing Only (25)
 - 15" Minimum Length Limit (23)
 - 36" Minimum Length Limit (23)
 - 14" Minimum Length Limit (23)

Lake Williamsville, City of Williamsville
 Sangamon County
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit

LaSalle Lake, LaSalle Power Station
 LaSalle County
 All Fish
 Large or Smallmouth Bass (14)
 Large or Smallmouth Bass
 Striped, White, or Hybrid
 Striped Bass (16)
 - 2 Pole and Line Fishing Only (1)
 - 1 Fish Daily Creel Limit
 - 18" Minimum Length Limit
 - 10 Creel/3 Fish 17" or Longer Daily (17)
 - 2 Pole and Line Fishing Only (1)

Lincoln Log Cabin Pond, Lincoln Log Cabin Historical Site
 Coles County
 All Fish
 - 2 Pole and Line Fishing Only (1)

Lincoln Park North Lagoon, Chicago Park District
 Cook County
 All Fish
 Channel Catfish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit

Lincoln Park South Lagoon, Chicago Park District
 Cook County
 All Fish
 Channel Catfish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit

Lincoln Trail Lake, Lincoln Trail State Park
 Clark County
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 12-15" Slot Length Limit (3)

Little Black Slough, Little Black Slough State Natural Area
 Johnson County
 All Fish
 All Fish
 - 2 Pole and Line Fishing Only (1)
 - No Seines

Little Cedar Lake, Shawnee National Forest
 Jackson County
 All Fish
 - 2 Pole and Line Fishing Only (1)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

All Fish
 Channel Catfish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit

Little Sister Lake, County of Fulton
 Fulton County
 All Fish
 Bluegill or Redear Sunfish (14)
 Channel Catfish
 Large or Smallmouth Bass
 Large or Smallmouth Bass (14)
 - 2 Pole and Line Fishing Only (1)
 - 10 Fish Daily Creel Limit
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 3 Fish Daily Creel Limit

Low Yeager Lake, City of Litchfield
 Montgomery County
 Large or Smallmouth Bass
 Large or Smallmouth Bass (14)
 - 15" Minimum Length Limit
 - 3 Fish Daily Creel Limit

Lower Cache River, Lower Cache River State Natural Area
 Pulaski/Johnson Counties
 All Fish
 All Fish
 - 2 Pole and Line Fishing Only (1)
 - No Seines

Lyerla Lake, Union County Conservation Area
 Union County
 All Fish
 Channel Catfish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit

Macon County Conservation District Ponds, Macon County Conservation District
 Macon County
 All Fish
 Channel Catfish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit

Maple Lake, Cook County Forest Preserve District
 Cook County
 All Fish
 Channel Catfish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit

Marquette Park Lagoon, Chicago Park District
 Cook County
 All Fish
 Channel Catfish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit

Marshall County Conservation Area (Fishing Ditch), Marshall County
 Conservation Area
 Marshall County
 All Fish
 - 2 Pole and Line Fishing Only (1)

Mattoon Lake, City of Mattoon
 Coles County
 All Fish
 - 2 Pole and Line Fishing Only (1)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

Large or Smallmouth Bass - 14" Minimum Length Limit

Mazonia-Braidwood Lakes & Ponds, Mazonia-Braidwood State Fish and Wildlife Area
Grundy/Will Counties

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
Striped, White, or Hybrid
Striped Bass - 17" Minimum Length Limit
Striped, White, or Hybrid
Striped Bass (16) - 3 Fish Daily Creel Limit
Walleye, Sauger, or Hybrid
Walleye - 14" Minimum Length Limit
White, Black or Hybrid
Crappie (15) - 10 Fish Daily Creel Limit

McCullom Lake, City of McHenry
McHenry County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

McKinley Park Lagoon, Chicago Park District
Cook County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

McLeansboro City Lakes, City of McLeansboro
Hamilton County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit

Mermet State Lake, Mermet Lake Conservation Area
Massac County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit

Middle Park Forest Preserve Ponds, Champaign County Forest Preserve
Champaign County

All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14) - 25 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit

Mill Creek Lake, Clark County Park District
Clark County

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 12-15" Slot Length Limit (3)
Walleye, Sauger, or Hybrid
Walleye - 14" Minimum Length Limit

Miller Park Lake, City of Bloomington
McLean County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

Mineral Springs Park Lagoon, City of Pekin
Tazewell County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

Mississippi River (between IL & IA), State of Illinois
Multiple Counties

Large or Smallmouth Bass - 14" Minimum Length Limit
Northern Pike - 5 Fish Daily Creel Limit
Walleye and Sauger (14) - 10 Fish Daily Creel Limit
Walleye - 15" Minimum Length Limit

Mississippi River (between IL & MO), State of Illinois
Multiple Counties

Northern Pike - 1 Fish Daily Creel Limit
Walleye and Sauger (14) - 8 Fish Daily Creel Limit

Monroe Reservoir, Will County Forest Preserve District
Will County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit

Montrose Lake, City of Montrose
Cumberland County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit

Mt. Olive City Lakes, City of Mt. Olive
Macoupin County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

Mt. Sterling Lake, City of Mt. Sterling
Brown County

Channel Catfish - 6 Fish Daily Creel Limit

Large or Smallmouth Bass	- 12-15" Slot Length Limit (3)
Mundelein Park Dist. (Diamond Lake & Park Ponds), City of Mundelein Lake County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
Nashville City Lake, City of Nashville Washington County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 18" Minimum Length Limit
Newton Lake, Newton Lake State Fish and Wildlife Area Jasper County	
All Fish	- 2 Pole and Line Fishing Only (1)
Large or Smallmouth Bass	- 18" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
Walleye, Sauger, or Hybrid	- 14" Minimum Length Limit
Walleye	
White, Black, or Hybrid	
Crappie (15)	- 10 Fish Daily Creel Limit
White, Black, or Hybrid	
Crappie	- 10" Minimum Length Limit
Oakland City Lake, City of Oakland Colles County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
One Horse Gap Lake, Shawnee National Forest Gallatin County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily creel Limit
Otter Lake, Otter Lake Water Commission Macoupin County	
Large or Smallmouth Bass	- 15" Minimum Length Limit
Striped, White, or Hybrid	
Striped Bass	- 17" Minimum Length Limit
Striped, White, or Hybrid	
Striped Bass (16)	- 3 Fish Daily Creel Limit
Pure Muskellunge	- 36" Minimum Length Limit
Palmyra City Lake & Terry Park Pond, City of Palmyra Macoupin County	
All Fish	- 2 Pole and Line Fishing Only (1)

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Pana Lake, City of Pana Shelby and Christian Counties	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Paris East & West Lakes, City of Paris Edgar County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Peelman Lake, Kickapoo State Park Vermillion County	
Large or Smallmouth Bass	- 14" Minimum Length Limit
Pierce Lake, Rock Cut State Park Winnebago County	
All Fish	- 2 Pole and Line Fishing Only (1)(8)
Bluegill or Redear Sunfish (14)	- 5 Fish Daily Creel Limit
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Pure Muskellunge	- 36" Minimum Length Limit
Walleye, Sauger, or Hybrid	
Walleye	- 14" Minimum Length Limit
White, Black, or Hybrid	
Crappie (15)	- 25 Fish Daily Creel Limit
Piscasaw Creek, State of Illinois McHenry County	
Trout	- 9" Minimum Length Limit
Pittsfield City Lake, City of Pittsfield Pike County	
Large or Smallmouth Bass	- 14" Minimum Length Limit
Striped, White, or Hybrid	
Striped Bass	- 17" Minimum Length Limit
Striped, White, or Hybrid	
Striped Bass (16)	- 3 Fish Daily Creel Limit
Walleye, Sauger, or Hybrid	
Walleye	- 14" Minimum Length Limit
Pocahontas Park Pond, City of Pocahontas Bond County	
All Fish	- 2 Pole and Line Fishing Only (1)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

Channel Catfish - 6 Fish Daily Creel Limit

Pounds Hollow Lake, Shawnee National Forest
Gallatin County -

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

Powerton Lake, Powerton Lake Fish and Wildlife Area
Tazewell County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 18" Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
Striped, White, or Hybrid - 3 Fish Daily Creel Limit
Striped Bass (16) - 10 Creel/3 Fish 17" or Longer Daily (17)

Walleye, Sauger, or Hybrid - 1 Fish Daily Creel Limit
Walleye (14)
Walleye, Sauger, or Hybrid
Walleye - 24" Minimum Length Limit

Pratt Wayne Woods Lakes, DuPage County Forest Preserve
DuPage County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

Pyramid State Park Lakes & Ponds, Pyramid State Park
Perry County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

Ramsey Lake, Ramsey Lake State Park
Fayette County

All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14) - 25 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
Walleye, Sauger, or Hybrid - 14" Minimum Length Limit
Walleye - 14" Minimum Length Limit
White, Black, or Hybrid - 10 Fish Daily Creel Limit
Crappie (15)
White, Black, or Hybrid - 9" Minimum Length Limit
Crappie

Randolph County Lake, Randolph County Conservation Area
Randolph County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
Walleye, Sauger, or Hybrid
Walleye - 14" Minimum Length Limit

Red Hills Lake, Red Hills State Park
Lawrence County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit

Rend Lake, (22) U.S. Army Corps of Engineers
Franklin County

Large or Smallmouth Bass - 14" Minimum Length Limit
Striped, White, or Hybrid - 10 Creel/3 Fish 17" or Longer Daily (17)
Striped Bass (16) - 10 Creel/3 Fish 17" or Longer Daily (17)
Yellow Bass - 10 Creel/3 Fish 17" or Longer Daily (17)

Rend Lake Project Ponds, U.S. Army Corps of Engineers
Franklin County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Ridge Lake, Fox Ridge State Park
Coles County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 14" Minimum Length Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
Walleye, Sauger, or Hybrid - 14" Minimum Length Limit
Walleye

Riis Park Lagoon, Chicago Park District
Cook County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

Rock River Main Stem Only, State of Illinois
Multiple Counties

Large or Smallmouth Bass - 12" Minimum Length Limit
Walleye, Sauger, and Hybrid - 14" Minimum Length Limit
Walleye

Roodhouse Park Lake, City of Roodhouse
Green County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

DeKalb County

All Fish	- 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14)	- 10 Fish Daily Creel Limit
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

Snake Den Hollow Lakes, Snake Den Hollow State Fish and Wildlife Area
Knox County

- All Fish
- 2 Pole and Line Fishing Only (1)
- 5 Fish Daily Creel Limit
- 5 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 36" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Bluegill or Redear Sunfish (14)
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- Pure Muskellunge
- Walleye, Sauger, or Hybrid
- Walleye (14)
- Walleye, Sauger, or Hybrid

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

- Walleye
White, Black, or Hybrid
Crappie (15)
- Sparta City Lakes, City of Sparta
Randolph County
All Fish
Channel Catfish
Large or Smallmouth Bass
- Spring Lake, City of Macomb
McDonough County
All Fish
Channel Catfish
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
- Spring Lake (North & South), Spring Lake Conservation Area
Tazewell County
All Fish
Channel Catfish
Large or Smallmouth Bass
Pure Muskellunge
White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie
- St. Elmo South Lake, City of St. Elmo
Fayette County
All Fish
Channel Catfish
- Staunton City Lake, City of Staunton
Macoupin County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- Sterling Lake, Lake County Forest Preserve District
Lake County
All Fish
Channel Catfish
Large or Smallmouth Bass (14)
Large or Smallmouth Bass
Pure Muskellunge
- 14" Minimum Length Limit
- 5 Fish Daily Creel Limit
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 36" Minimum Length Limit
- 25 Fish Daily Creel Limit
- 9" Minimum Length Limit
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 2 Pole & Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 1 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 36" Minimum Length Limit

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

- Walleye, Sauger, or Hybrid
Walleye
- Tampier Lake, Cook County Forest Preserve
Cook County
All Fish
Channel Catfish
Walleye, Sauger, or Hybrid
Walleye
- Tecumseh Lake, Shawnee National Forest
Hardin County
All Fish
Channel Catfish
- Ten Mile Creek Lakes, Ten Mile Creek State Fish and Wildlife Area
Hamilton/Jefferson Counties
All Fish
Channel Catfish
Large or Smallmouth Bass
- Tomahawk Lake, Moraine Hills State Park
McHenry County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- Tremont Ponds, Village of Tremont
Tazewell County
All Fish
Channel Catfish
- Turner Lake, Chain O'Lakes State Park
Lake County
All Fish
Channel Catfish
Large or Smallmouth Bass (14)
Large or Smallmouth Bass
- Tuscola City Lake, City of Tuscola
Douglas County
All Fish
Channel Catfish
Large or Smallmouth Bass
- Valley Lake, Wildwood Park District
Lake County
All Fish
- 14" Minimum Length Limit
- 2 Pole and Line Fishing Only
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit

Vandalia Correctional Facility Ponds, State of Illinois
Fayette County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Vanhorn Woods Pond, Plainfield Park District
Will County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 1 Fish Daily Creel Limit

Vernor Lake, City of Olney
Richland County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Villa Grove East Lake, City of Villa Grove
Douglas County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Villa Grove West Lake, City of Villa Grove
Douglas County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Virginia City Reservoir, City of Virginia
Cass County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

Walnut Point Lake, Walnut Point State Fish and Wildlife Area
Douglas County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

Walton Park Lake, City of Litchfield
Montgomery County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Warrior Lake, Moraine Hills State Park
McHenry County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit

Washington County Lake, Washington County Conservation Area
Washington County
All Fish
Channel Catfish
Large or Smallmouth Bass
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit

Washington Park Lagoon, Chicago Park District
Cook County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Waverly Lake, City of Waverly
Morgan County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

Weinberg-King Pond, Weinberg-King State Park
Schuyler County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Weidon Springs Lake, Weldon Springs State Park
Dewitt County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" minimum Length Limit

West Frankfort New City Lake, City of West Frankfort
Franklin County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

West Frankfort Old City Lake, City of West Frankfort
Franklin County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

White Hall City Lake, City of White Hall
Green County

All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Whoopee Cat Lake, Shawnee National Forest
Hardin County

All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Wilderness Lake, Moraine Hills State Park
McHenry County

All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit

Wilderness Pond, Fox Ridge State Park
Coles County

All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Wolf Lake, William W. Powers Conservation Area

Cook County
All Fish
Channel Catfish
Large or Smallmouth Bass
Walleye, Sauger, or Hybrid
walleye
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Woodford Co. Cons. Area (Fishing Ditch), Woodford County Conservation Area
Woodford County
All Fish
- 2 Pole and Line Fishing Only (1)

Wyman Lake, City of Sullivan
Moultrie County

All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

(Source: Amended at 17 Ill. Reg. 10806, effective July 1, 1993)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

1) HEADING OF THE PART: Squirrel Hunting

2) CODE CITATION: 17 Ill. Adm. Code 690

3) SECTION NUMBERS: 690.30
ADOPTED ACTION: Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.28, and 3.5) [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5].

5) EFFECTIVE DATE OF AMENDMENTS: July 1, 1993

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 28, 1993

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: April 9, 1993, 17 Ill. Reg. 4672

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

In Section 690.30, Newton Lake was removed.

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF AMENDMENTS: The amendments to this Part modify site-specific season dates and regulations and add/delete sites open to squirrel hunting.

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 17: CONSERVATION

CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 690
SQUIRREL HUNTING

Section

690.10 Hunting Zones

690.20 Statewide Regulations

690.30 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.28, and 3.5) [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5].

SOURCE: Adopted at 5 Ill. Reg. 8017, effective July 24, 1981; codified at 5 Ill. Reg. 10642; emergency amendment at 5 Ill. Reg. 11382, effective October 14, 1981, for a maximum of 150 days; amended at 6 Ill. Reg. 9642, effective July 21, 1982, amended at 7 Ill. Reg. 8809, effective July 15, 1983; emergency amendment at 7 Ill. Reg. 9690, effective August 1, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 16789, effective August 30, 1984, amended at 9 Ill. Reg. 11614, effective July 16, 1985; amended at 10 Ill. Reg. 15601, effective September 16, 1986; amended at 11 Ill. Reg. 9549, effective May 5, 1987; amended at 12 Ill. Reg. 12246, effective July 15, 1988; amended at 13 Ill. Reg. 10606, effective June 15, 1989; amended at 14 Ill. Reg. 10816, effective June 20, 1990; amended at 15 Ill. Reg. 10012, effective June 24, 1991; amended at 16 Ill. Reg. 11087, effective June 30, 1992; amended at 17 Ill. Reg. 10842, effective July 1, 1993.

Section 690.30 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510, General Hunting and Trapping on Department-Owned or Managed Sites, apply in this Part, unless this Part is more restrictive.
- b) Only those sites listed in this Section marked with an asterisk (*) allow hunting with .22 caliber rimfire firearms or muzzle-loading black powder rifles.
- c) Statewide season regulations shall apply at the following sites (exceptions are listed in parentheses):

* **AMAX-banded-bands**
Anderson Lake Conservation Area

Argyle Lake State Park

Big Bend Conservation Area

Big River State Forest

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

- * Cache River State Natural Area (Little Black Slough Hunting Area)
- Cache River State Natural Area (Lower Cache River Hunting Area)
- * Campbell Pond Wildlife Management Area
- Carlyle Lake Lands and Waters - Corps of Engineers managed lands
- * Carlyle Lake Wildlife Management Area (in the Waterfowl Management Area from opening day to 3 days before the waterfowl season)
- * Chauncey Marsh (permit required, may be obtained at Red Hills State Park headquarters; no hunting in dedicated Nature Preserve; must return permit by February 15)
- * Crawford County Conservation Area
- * Dog Island Wildlife Management Area
- Eldon Hazlet State Park (North of Allen Branch and west of Peppenhorst Branch)
- * Fort de Chartres Historic Site (hunting with muzzleloading firearms or bow and arrow)
- Fort Massac State Park (east of Massac Creek only)
- Green River State Wildlife Area (Lee County Conservation Area) (September 6 - October 31; no hunting during field-trials)
- 1-24 Wildlife Management Area
- * Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 3 days prior to and during duck season)
- Kickapoo State Park (free permit required, obtain from site office; hunters must return permit and report harvest by February 15 or hunting privileges for following year will be forfeited)
- Kidd Lake State Natural Area
- * Kinkaid Lake Fish and Wildlife Area
- * Lake Shelbyville-Kaskaskia and West Okaw Wildlife Management Area (no handguns)
- Mackinaw State Fish and Wildlife Area (September 1 - October 31; 14)

DEPARTMENT OF CONSERVATION

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- * Marseilles Fish and Wildlife Area (Monday through Thursday from September 9 through October 31)
- Marshall State Fish and Wildlife Area
- * Mermet Lake Conservation Area (from opening day until through the first day before the opening of the duck season)
- Middle Fork Fish and Wildlife Area (free permit required, obtain from site office; hunters must return permit and report harvest by February 15 or hunting privileges for following year will be forfeited)
- * Mississippi River Pools 16, 17, 18, 21, 22, 24, 25, 26
- * Oakford Conservation Area
- * Panther Creek Conservation Area
- * Pike County Conservation Area (no hunting after November 30 in Area A; no hunting after December 15 in Area C)
- Ramsey Lake State Park
- Randolph County Conservation Area
- Red Hills State Park
- * Rend Lake Project Lands and Waters
- * Rockhouse-Creek-(Monroe-County)
- * Saline County Conservation Area (North of the township road)
- Sam Dale Lake Conservation Area
- Sam Parr Fish and Wildlife Area
- * Sand Ridge State Forest (from opening day until through the first day before the opening of the upland rabbit hunting season)
- * Sangamon County Conservation Area
- * Sangamon Conservation Area
- * Shawnee National Forest, LaRue Scatters (closes-at-noon)
- * Shawnee National Forest, Oakwood Bottoms (Greentree-Reservoir west-of-Big-Muddy-Bever; closes-at--noon;--steet non-toxic shot

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only)

Site M (Saturdays--and--Sundays Season dates and additional regulations will be as announced by the Department; tend--leas--from--Commonwealth--Edison--in--Cass--County;--hunter--quota--to--be announced--by--public--news--release;--check--station--will--open--at--5 a.m.--and--all--hunters--must--check--in--and--exchange--their--hunting license--for--a--back--patch--which--must--be--worn--at--all--times--while--in the--field;--All--hunters--must--check--out--and--report--harvest immediately--after--hunting; hunting is permitted in designated areas only; parking is permitted at designated parking areas only)

Stephen A. Forbes State Park

Sunspot Mine (Fulton and Schuyler Counties)

Tapley Woods State Natural Area (closed during fall firearm turkey season)

- * Ten Mile Creek State Fish and Wildlife Area (permit required; areas designated as Refuge are closed to all access during Canada Goose Season only; Windshield cards must be displayed on dashboard of vehicle; permit must be returned by February 15 to District Wildlife Manager, P.O. Box 313, Olney, IL 62450)

- * Trail of Tears State Forest

- * Turkey Bluffs State Fish and Wildlife Area

Washington County Conservation Area

Weinberg-King State Park

- * Wildcat Hollow State Forest

- * Witkowsky State Wildlife Area

- d) Season dates shall be the day following Labor Day to the end of the statewide season at the following sites:

Ferne Clyffe State Park

Giant City State Park

Hamilton County Conservation Area

Pere Marquette State Park

Pyramid State Park

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Saline County Conservation Area (south of Township Road)

Siloam Springs State Park

- e) The following season dates shall apply on the following sites (exceptions to statewide hours are listed in parentheses):
Walnut Point Fish and Wildlife Area (season closes October 31)
Castle Rock State Park; September 1 - October 15

Chain O'Lakes State Park (opens Wednesday after permit pheasant season for five consecutive days, except closed on Christmas Day; 8:00 a.m. to 4:00 p.m.; hunters must check in and check out; daily quota filled on first-come, first-serve basis; DOC issued back patch must be worn while hunting; only shot size of No. 5 lead or No. 3 steel or smaller may be used)

- * Horseshoe Lake Conservation Area, Alexander County Public Goose Hunting Area, August 1 - October 15; other portions of Public Hunting Area open during statewide season

Iroquois County Conservation Area; September 1 - 30

Johnson Sauk Trail State Park; September 15 - 30

Jubilee College State Park; September 1 - 30 (Sunrise - 4:00 p.m.)

Kankakee River State Park; September 1 - 30

Moraine View State Park; September 1 - day before opening of site's permit pheasant season (Sunrise - 4:00 p.m.)

Silver Springs State Park; September 1 - 30 in Areas B and C; harvest must be reported before leaving the site; daily quota filled on first-come, first-serve basis

Spring Lake Conservation Area; September 10 - 30 (Sunrise - 4:00 p.m.)

- * Union County Conservation Area - Public Goose Hunting Area; August 1 - October 15; other portions of Public Hunting Area open during statewide season

Woodford County Conservation Area; September 1-30

- f) Statewide regulations as provided in this Part apply at the following sites with exceptions noted in parentheses. In addition, hunters must obtain a free permit from site office. Permits must be in possession while hunting. The permit must be returned and harvest reported by February 15 or hunter will forfeit hunting privileges for that site

DEPARTMENT OF CONSERVATION

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for the following year.

Clinton Lake State Park

Eagle Creek State Park (Season opens September 15)

* Fox Ridge State Park (no handguns)

* Hidden Springs State Forest (.22 rimfire rifles and muzzle-loading rifles permitted after October 1 only; no handguns)

* Lake Shelbyville Eagle Creek Wildlife Management Area (no handguns)

Mt. Vernon Propagation Center (August 1-31 September 30; sunrise to 3:00--p.m. 12:00 Noon; site permit required; report by September October 15 or lose hunting privileges the following year)

(Source: Amended at 17 Ill. Reg. 10842, effective July 1, 1993)

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

1) HEADING OF THE PART: The Taking of Wild Turkeys - Fall Archery Season

2) CODE CITATION: 17 Ill. Adm. Code 720

3) SECTION NUMBERS: ADOPTED ACTION:
720.10 Amendments
720.20 Amendments
720.40 Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 2.9, 2.10 and 2.11) [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].

5) EFFECTIVE DATE OF AMENDMENTS: July 1, 1993

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 28, 1993

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: April 9, 1993, 17 Ill. Reg. 4680

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION: None

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF AMENDMENTS: Bond, Bureau, Clark, Cumberland, Mercer, Stephenson, Whiteside and Winnebago counties will be opened to fall wild turkey hunting. The fall archery season will be open from October 1, 1993 through January 13, 1994, except it will be closed during the firearm deer season. Children younger than 16 years of age must pass a hunter safety course prior to receiving a free landowner archery permit. The non-resident turkey archery permit fee will be \$50.00.

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 720

THE TAKING OF WILD TURKEYS - FALL ARCHERY SEASON

Section

720.10 Hunting Seasons and Counties Open to Hunting
720.20 Turkey Permit Requirements
720.30 Turkey Hunting Regulations
720.40 Regulations at Various Department-Owned or -Managed Sites
720.50 Releasing or Stocking of Turkeys (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10, and 2.11 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 2.9, 2.10, and 2.11) [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].

SOURCE: Adopted and codified at 8 Ill. Reg. 7825, effective May 22, 1984; emergency amendments at 8 Ill. Reg. 20086, effective October 12, 1985, for a maximum of 150 days; emergency expired March 2, 1985; amended at 9 Ill. Reg. 14311, effective September 5, 1985; amended at 11 Ill. Reg. 9556, effective May 5, 1987; amended at 12 Ill. Reg. 12254, effective July 15, 1988; amended at 13 Ill. Reg. 12831, effective July 21, 1989; amended at 14 Ill. Reg. 12413, effective July 20, 1990; amended at 15 Ill. Reg. 11611, effective August 2, 1991; amended at 16 Ill. Reg. 11093, effective June 30, 1992; amended at 16 Ill. Reg. 15442, effective September 28, 1992; amended at 17 Ill. Reg. 281, effective December 28, 1992; amended at 17 Ill. Reg. 10850, effective July 1, 1993.

Section 720.10 Hunting Seasons and Counties Open to Hunting

a) Season: Statewide season October 1 through the latest date authorized by the Wildlife Code but no later than January 1314-111-Rev--Stat-1991-617-2-10, closed during firearm deer season, as set out in 17 Ill. Adm. Code 650, except those Department of Conservation (Department or DOC) sites designated below by asterisk, shall be open to archery turkey hunting without regard to firearm deer season. (No firearm deer hunting pursuant to 17 Ill. Adm. Code 650 allowed).

b) Open Counties:

Adams	Johnson
Alexander	Knox
Bond	Macoupin
Brown	Marion
Bureau	Marshall
Calhoun	McDonough
Carroll	Mercer
Cass	Monroe

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DEPARTMENT OF CONSERVATION

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NOTICE OF ADOPTED AMENDMENT(S)

Clark
Clay
Cumberland
Effingham
Fayette
Fulton
Gallatin
Greene
Hancock
Hardin
Henderson
Jackson
Jersey
Jo Daviess

Ogle
Pike
Pope
Putnam
Randolph
Rock Island
Saline
Schuyler
Scott
Stephenson
Union
Washington
Whiteside
Williamson
Winnebago

(Source: Amended at 17 Ill. Reg. 10850, effective July 1, 1993)

Section 720.20 Turkey Permit Requirements

- a) To take, or attempt to take, a wild turkey, Illinois residents must first obtain a "Wild Turkey Hunting Permit" from the Department of Conservation for a fee of \$5.00. Non-resident turkey hunters shall be charged the same fee \$5.00 for wild turkey hunting permits as that charged residents of Illinois by the state in which the applicant resides, except that in no case shall the fee be less than \$30.00. If the state in which the applicant resides does not provide for turkey hunting by Illinois residents, then the fee shall be \$75.00. Non-residents are also required to obtain a Non-Resident Hunting License before hunting wild turkeys. Residents, except those exempted by Section 3.1 of the Wildlife Code (411 Rev. Stat. 1991, ch. 617 par. 3-1) are also required to obtain a hunting license before hunting wild turkey. Applications for wild turkey permits must be mailed to:

Department of Conservation - Fall Archery Wild Turkey Permit
524 S. Second Street, Room 210
P.O. Box 19446

Springfield, Illinois 62794-9446

- b) Applicants must complete all portions of the permit application form. Incomplete applications will be rejected and fees returned. Each applicant must submit a personal check or money order for his/her individual application. Applicants submitting applications within three weeks of the season will not be guaranteed receipt of permit by start of season.

- c) Applications will be accepted beginning the first Monday in June. All requests must be on an official application form. Permits are not transferable and refunds will not be granted.

- d) Landowners including non-resident and out-of-state landowners who own 40 acres or more land and resident tenants and members of their

immediate family may apply for a free turkey permit for their property only in counties open for turkey hunting. A resident tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. All landowners or tenants that do not reside on the property must possess a valid hunting license. If the property is owned or rented by more than one person: Only one landowner (and his immediate family) or one tenant (and his immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive permits.

- e) Landowners, or tenants are not required to participate in the public drawing for permits and are not counted toward the total number of permits issued for a particular county.

- 1) The immediate family is limited to the spouse, children, and parents permanently residing on the same property as the landowner or tenant.

- 2) Proof of ownership for all free landowner or tenant applications must be provided by one of the following methods:

- A) Submittal of a copy of property deed;
B) Submittal of a copy of contract for deed;
C) Submittal of a copy of a tax statement for the property (upon which the landowner's name appears as landowner), or person signing application appears as landowner);
D) Submittal of a copy of either an Agricultural Stabilization and Conservation Service 476 or Commodity Credit Corporation 477 Form; or
E) Submittal of a copy of a trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a beneficiary of the trust.

- 3) If you are applying for a tenant permit, you are required to submit in addition to the landowner certification and proof of ownership, a copy of one of the following:

- A) A copy of Internal Revenue Service Schedule F 1987.
B) Submittal of a copy of a lease or rental agreement, file stamped as recorded by the County Clerk, covering the current year; or
C) Submittal of a copy of either an Agricultural Stabilization and Conservation Services 476 Form or Commodity Credit Corporation 477 Form.

- 4) A hunting rights lease or other non-agricultural lease is not valid as a basis for obtaining a landowner or tenant permit. A trustee of a land trust is not eligible to receive a landowner permit.

- 5) Shareholders of corporations owning 40 or more acres of land in a county may apply for a free permit to hunt the corporation lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county shall be issued based on ownership of lands by

NOTICE OF ADOPTED AMENDMENT(S) NOTICE OF ADOPTED AMENDMENT(S)

corporations. Lands leased to corporations shall not be managed land (subinsement area closed 3 days prior to and considered as a basis for a free permit for the shareholders of the duck season)

the trustee. If application is made for a free permit based upon Castle Rock State Park (November 1 through the latest date authorized by the Wildlife Code, but no later than January 14 (111-Rev-Stat-1991-ch-617-par-2-10) statewide closing)

corporation must sign a notarized statement authorizing the applicant to hunt on the corporate lands for which a permit is being requested. This statement must identify the applicant as a Dog Island Wildlife Management Area

more than 15 authorizations will be requested per county for the Ferne Clyffe State Park

corporation lands. This document must be attached to the application upon submittal to the Permit Office. Fort de Chartres Historic Site

fe) A \$3.00 service fee will be charged for replacement permits issued by the Department, except when permits are lost in the mail then there will be no charge. Giant City State Park

gf) It shall be unlawful to: 1-24 Wildlife Management Area

1) Submit more than one application for the same person. Kaskaskia River State Fish and Wildlife Area (south of Highway 154 only)

2) provide false and/or deceptive information on a permit application form. In addition to criminal charges, individuals found guilty of violating this Section shall have their Kinkaid Lake Fish and Wildlife Area

application rejected, permit revoked, and fees forfeited. The procedure by which an individual may appeal an application rejection, permit revocation, and the forfeiture of fees is set forth in 17 Ill. Adm. Code 2530 (Department Formal Hearings Conducted for Rulemaking and Contested Cases)

(Source: Amended at 17 Ill. Reg. 10850, effective July 1, 1993)

Section 720.40 Regulations at Various Department-Owned or -Managed Sites

a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.

b) Statewide regulations shall apply for the following sites: AMAX-beased-bands

Anderson Lake Conservation Area

Argyle Lake State Park (October 15 through the latest date authorized by the Wildlife Code, but no later than January 14 (111-Rev-Stat-1991-ch-617-par-2-10) statewide closing)

Beaver-Dam-State-Park-12-hunters-per-day-closed-weekends

Big River State Forest

Cache River State Natural Area (Little Black Slough Hunting Area)

Carlisle Lake Wildlife Management Area and Corps of Engineers

Rockhouse-Creek-(Monroe-County)

Saline County Conservation Area

Sangamon State Wildlife Area

Shawnee National Forest

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

Siloam Springs State Park

Site M (in designated areas only; hunting will be allowed on weekends as announced by the Department)

* Stephen A. Forbes State Park

Sunspot Mine (Fulton and Schuyler Counties)

Tapley Woods

Trail of Tears State Forest

Turkey Bluffs Fish and Wildlife Area

Union County Public Hunting Area (October 1-15 only)

Union County Conservation Area - Firing Line Management Unit only

Weinburg-King State Park

Wilkowsky State Wildlife Area

- c) Additional regulations may be posted at the sites when more restriction is required. These additional regulations shall include, but not be limited to, selected check stations, limited hunting hours, and designated first-come, first-served sites.

(Source: Amended at 17 Ill. Reg. 10850, effective July 1, 1993)

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

- 1) HEADING OF THE PART: The Taking of Wild Turkeys - Fall Gun Season
- 2) CODE CITATION: 17 Ill. Adm. Code 715
- 3) SECTION NUMBERS:

715.10	Amendments
715.20	Amendments
715.21	New
715.40	Amendments
- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11) [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].
- 5) EFFECTIVE DATE OF AMENDMENTS: July 1, 1993
- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No
- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 28, 1993
- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: April 9, 1993, 17 Ill. Reg. 4689
- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No
- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION: The heading for Section 715.21 was changed to agree with the table of contents "Turkey Permit Requirements - Special Hunts".
- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes
- 13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No
- 14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No
- 15) SUMMARY AND PURPOSE OF AMENDMENTS: Hancock and Randolph counties are open to wild turkey hunting during the fall gun season. Marshall and Putnam counties are closed to wild turkey hunting during the fall gun season. Turkey hunters will only be able to obtain two permits for the fall gun turkey season. Savanna Army Depot will be a special hunt

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area. Non-residents will be charged \$75.00 for their first permit and \$25.00 for the second permit. Children younger than 16 years of age must pass a hunter safety course prior to receiving a free landowner turkey permit.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 17: CONSERVATION

CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 715

THE TAKING OF WILD TURKEYS - FALL GUN SEASON

Section

715.10 Hunting Season, Open Counties and Permit Quotas
715.20 Turkey Permit Requirements
715.21 Turkey Permit Requirements - Special Hunts
715.30 Turkey Hunting Regulations
715.40 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11) (520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11).

SOURCE: Adopted at 13 Ill. Reg. 14950, effective September 6, 1989; amended at 14 Ill. Reg. 12421, effective July 20, 1990; amended at 15 Ill. Reg. 11618, effective August 2, 1991; amended at 16 Ill. Reg. 11101, effective June 30, 1992; amended at 17 Ill. Reg. 10858, effective July 1, 1993.

Section 715.10 Hunting Season, Open Counties and Permit Quotas

- a) Season: October 17 16 through October 25-1992 24, 1993.
b) Open Counties

OPEN COUNTIES

Adams
Alexander
Brown
Calhoun
Carroll
Callatin/Hardin (south of Rt. 13 only)
Greene
Hancock
Jackson
Jersey
Jo Daviess
Marshall/Putnam-feast-of-11-River-only?
--north-of-State-Hwy-17-and-south-of-the
--McNabb-Hacktop-tCounty-Road-500-N-only??
Pike
Pope (north of Rt. 146 only)
Randolph

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Saline
Schuyler
Union
Williamson

- c) Permit quotas shall be set by the Department of Conservation on a county or special hunt area basis.

(Source: Amended at 17 Ill. Reg. 10858, effective July 1, 1993)

Section 715.20 Turkey Permit Requirements

- a) To take, or attempt to take, a wild turkey, Illinois residents must first obtain a "Wild Turkey Hunting Permit" from the Department of Conservation for a fee of \$15.00. Non-resident turkey hunters shall be charged the same fee \$75.00 for the first wild turkey hunting permits as that charged residents of Illinois by the state in which the applicant resides, except that in no case shall the fee be less than \$40.00. If the state in which the applicant resides does not provide for turkey hunting by Illinois residents, then the fee shall be \$75.00. Non-residents are also required to obtain a Non-Resident Hunting License before hunting wild turkeys. If a second permit is obtained, the fee shall be \$25.00. Residents, except those exempted by Section 3.1 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, par. 3.1) [520 ILCS 5/3.1] are also required to obtain a hunting license before hunting wild turkey. Permits are issued for a specific county or area and are valid only in the county or area designated on the permit. Applications for wild turkey permits must be mailed to:

Department of Conservation - Turkey
524 S. Second Street, Room 210
P.O. Box 1946
Springfield, IL 62794-9446

- b) Applicants must complete all portions of the permit application form. Incomplete applications shall be rejected and fees returned. Each applicant must submit a personal check or money order for his/her individual application. Not more than 6 applications may be submitted for group hunters. Applicants submitting applications within three weeks of the season shall not be guaranteed receipt of permit by start of season.
- c) Applications shall be accepted from residents only beginning the first Monday in July. All requests must be on an official application form. Permits are not transferable and refunds shall not be granted. Permits shall be allocated in a computerized drawing to be held in Springfield in which the first choice of county shall be allocated before the second choice is considered. Applications postmarked after July 17 16 shall not be included in the drawing.
- d) Permits not issued during the computerized drawing shall be available in a random daily drawing beginning August 24 23. All hunters not

DEPARTMENT OF CONSERVATION

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- receiving a permit in the computerized drawing and non-residents may apply at this time for the available permits.
- e) Any permits not issued as of the third Monday in September shall also be available in a random daily drawing to those hunters who have previously received one permit. Hunters may obtain a maximum of two permits for the fall gun season.
- f) Landowners including non-resident and out-of-state landowners who own 40 acres or more land and resident tenants and members of their immediate family may apply for one free turkey permit for their property only in areas open for turkey hunting. A resident tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. All landowners or tenants that do not reside on the property must possess a valid hunting license.
- g) Landowners, or tenants are not required to participate in the public drawing for permits and are not counted toward the total number of permits issued for a particular county.
- 1) The immediate family is limited to the spouse, children, and parents permanently residing on the same property as the landowner or tenant.
- 2) Proof of ownership for all free landowner or tenant applications must be provided by one of the following methods:
- A) Submittal of a copy of property deed;
B) Submittal of a copy of contract for deed;
C) Submittal of a copy of a tax statement for the property (upon which the landowner's name appears as landowner, or person signing application appears as landowner);
D) Submittal of a copy of either an Agricultural Stabilization and Conservation Service 476 or Commodity Credit Corporation 477 form; or
E) Submittal of a copy of a trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a beneficiary of the trust.
- 3) If you are applying for a tenant permit, you are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:
- A) A copy of a lease or rental agreement, file stamped as recorded by the County Clerk, covering the current year; or
B) A copy of either an Agricultural Stabilization and Conservation Services 476 form or Commodity Credit Corporation 477 form.
- 4) A hunting rights lease, or other non-agricultural lease, is not valid as a basis for obtaining a landowner or tenant permit.
- 5) If the property is owned or rented by more than one person: Only one landowner (and his immediate family) or one tenant (and his immediate family) shall be issued a permit for every 40 acres of owned or rented land.

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- 6) For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive turkey permits.
- 7) Shareholders of corporations owning 40 or more acres of land in an area open to hunting may apply for a free permit to hunt the corporation lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county shall be issued based on ownership of lands by corporations. Lands leased to corporations shall not be considered as a basis for a free permit of the shareholders of the lessee. Lands held in trust by corporations shall not be considered as a basis for a free permit by the shareholders of the trustee. If application is made for a free permit based upon lands owned by the corporation, a duly authorized officer of the corporation must sign a notarized statement authorizing the applicant to hunt on the corporate lands for which a permit is being requested. This statement must identify the applicant is a shareholder, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation lands. This document must be attached to the application upon submittal to the Permit Office.

h) A \$3.00 service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, no charge shall be made.

i) It shall be unlawful to:

- 1) Submit applications for receiving more than one permit for the same person; or
- 2) Provide false and/or deceptive information on a permit application form. In addition to criminal charges, individuals found guilty of violating this Section shall have their application rejected, permit revoked, and fees forfeited.

(Source: Amended at 17 Ill. Reg. 10858, effective July 1, 1993)

Section 715.21 Turkey Permit Requirements - Special Hunts

Special hunts are regulated by the agency which manages the property. The Permit Office only issues turkey hunting permits for Savanna Army Depot (JoDaviess County).

(Source: Added at 17 Ill. Reg. 10858, effective July 1, 1993)

Section 715.40 Regulations at Various Department-Owned or -Managed Sites

- a) Statewide regulations (see 17 Ill. Adm. Code 510) shall apply for the following sites:

AMAX-beased-bands-in-Schuyler-county
Mississippi River Pools 21, 22, 24, 25 and 26

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Pike County Conservation Area

Shawnee National Forest

Sunspot Mine (Schuyler County only)

- b) Statewide regulations shall apply except that all hunters must check in and check out and must report turkey harvest at the check station or on a sign out sheet at the areas listed below. Quotas, where listed, shall be on a first-come, first-serve basis. Hunters shall not be allowed to sign in prior to 4 a.m. each day of the season.

Giant City State Park

Pere Marquette State Park - Public Hunting Area

Saline County Conservation Area

Siloam Springs State Park - quota will be publicly announced

Tapley Woods - quota will be publicly announced

Trail of Tears State Forest

Union County Conservation Area-Firing Line Management Unit Only

Weinburg-King State Park

- c) **Witkowsky State Wildlife Area** - quota will be publicly announced
- Additional regulations may be posted at the sites when more restriction is required. These additional regulations shall include, but not be limited to, selected check stations, limited hunting hours, and designated first-come, first-serve sites.

(Source: Amended at 17 Ill. Reg. 10858, effective July 1, 1993)

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NOTICE OF ADOPTED AMENDMENTS

- 1) HEADING OF THE PART: White-Tailed Deer Hunting Season by Use of Muzzleloading Rifles

- 2) CODE CITATION: 17 Ill. Adm. Code 660

- 3) SECTION NUMBERS: ADOPTED ACTION:

660.20	Amendments
660.22	New Section
660.30	Amendments
660.40	Amendments
660.45	Amendments
660.50	Amendments
660.60	Amendments

- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1991, ch 61, pars. 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36) [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].

- 5) EFFECTIVE DATE OF AMENDMENTS: July 1, 1993

- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 28, 1993

- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: April 9, 1993, 17 Ill. Reg. 4742

- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

In Section 660.20(d), "Section 660.20(e)" was replaced with "subsection (e) below".

In Section 660.22(b), the spelling of "responsible" was corrected.

In Section 660.30(a), the period at the end of the paragraph was moved inside of the closing parenthesis.

In Section 660.40(b), the commas following "number" (in two places) were removed and commas were inserted following "(unless exempt)".

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- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

- 13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT REPEALER) CURRENTLY IN EFFECT? No

- 14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

- 15) SUMMARY AND PURPOSE OF AMENDMENTS: The amendments to this Part reduce the number of daily drawings from three to two, allow bow hunters to obtain two either-sex archery permits prior to August 15 even through they have applied and/or been issued a muzzleloading deer permit and add/delete sites open to muzzleloading deer hunting.

- 16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

NOTICE OF ADOPTED AMENDMENT(S)

(Muzzleloading Rifle)

Deer Permit Office

524 South Second Street, Room 210

P.O. Box 19227

Springfield, IL 62794-9227

- b) Applications from residents shall be accepted through April 30 of the current year. Applications received after April 30 shall not be included in the lottery. Permits shall be allocated in a computerized random drawing in which only one choice of hunt area or county shall be considered. Permits shall be issued as either-sex, antlerless-only or antlered only. A maximum of one either-sex and one antlerless-only permit shall be issued per person.
- c) Applicants must check the antlerless-only box and enclose an additional \$15.00 if they want to receive the opportunity to apply for an additional antlerless-only permit. Antlerless-only permits will be issued until the antlerless-only quota is filled for a given county or special hunt area.
- d) Permits for counties with unfilled quotas after the lottery shall be allocated in a random drawing procedure. Applications for the random daily drawing shall be accepted beginning August 1 and ending August 13 of the current year. Applicants may also apply for remaining antlerless-only permits by checking the antlerless-only box and enclosing an additional \$15.00. Applications received prior to August 1 and 2 will be processed in the August 1 and 2 daily drawing. A list of unfilled counties shall be announced prior to the August application dates. Applicants must apply on a current year "Muzzleloading Rifle" Deer Permit application form. All applications for the random daily drawing shall be processed individually. This application period is open only to those applicants who were not previously issued firearm permits for the current hunting season, except as provided in Section 660.20(e). A maximum of one either-sex and one antlerless-only permit shall be issued per person.

- e) Those applicants who have already received a muzzleloading rifle permit and did not check the antlerless-only box may apply for an antlerless-only permit for the county specified on their either-sex permit beginning August 15. Applicants shall complete an application form, provide a photocopy of their either-sex permit, and enclose a check for \$15.00 (\$25.00 for non-residents).
- f) In-person and mail-in applications shall receive equal treatment in the drawings. For the random daily drawing, applications received one day shall not be processed until all applications received for that day are mixed. All applications received on a specific day shall be processed before processing applications received for a subsequent day.
- g) Applicants must complete all portions of the current year permit application form. Incomplete or incorrect applications shall be returned along with the applicant's permit fee for correction or completion if received in this office prior to April 30, of the

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TITLE 17: CONSERVATION

CHAPTER 1: DEPARTMENT OF CONSERVATION

SUBCHAPTER b: FISH AND WILDLIFE

PART 660

WHITE-TAILED DEER HUNTING SEASON BY USE
OF MUZZLELOADING RIFLES

Section

- 660.10 Statewide Season and Permit Quotas
- 660.20 Statewide Deer Permit Requirements
- 660.21 Deer Permit Requirements - Free Landowner/Tenant Permits
- 660.22 Deer Permit Requirements - Special Hunts
- 660.25 Deer Permit Requirements - Group Hunt
- 660.30 Statewide Muzzleloading Rifle Requirements
- 660.40 Statewide Deer Hunting Rules
- 660.45 Reporting Harvest
- 660.50 Rejection of Application/Revocation of Permits
- 660.60 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36) [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].

SOURCE: Adopted at 15 Ill. Reg. 4777, effective March 18, 1991; amended at 15 Ill. Reg. 11627, effective August 2, 1991; amended at 16 Ill. Reg. 11150, effective June 30, 1992; amended at 17 Ill. Reg. 10865, effective July 1, 1993.

Section 660.20 Statewide Deer Permit Requirements

- a) Illinois resident hunters must have a current, valid "Muzzleloading Rifle Deer Permit" (\$15.00). A Non-Resident Muzzleloading Rifle Deer Permit may be obtained by non-residents of Illinois provided that they shall be charged the same fee as an Illinois resident would be charged for a deer hunting permit by the State in which the applicant resides except in no case shall the fee be less than \$50.00, and if the State in which the applicant resides does not provide for deer hunting by Illinois residents, then the fee shall be \$100.00. Muzzleloading rifle deer permit fees for non-residents shall be \$100.00 for each either-sex muzzleloading permit and \$25.00 for each antlerless-only permit. A permit is issued for one county and is valid only in the county stated on the permit. Only applicants who receive an either-sex permit in a county or special hunt area are eligible for an antlerless-only permit for that county or special hunt area. For permit applications and other information write to:

Department of Conservation

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current year. No more than 6 single applications per envelope shall be accepted. Each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications to the Deer Permit Office for regular firearm, muzzleloading rifle, archery, and free or paid landowner/tenant permits.

n) Applications for non-resident muzzleloading rifle firearm permits shall be accepted beginning August 1 and will be included with the residents in the Random Daily Drawing.

1) There will be two an application periods period which starts August 30 and ends November 8 during which anyone (regardless of any other permit they may have) can apply for muzzleloading deer permits (\$15.00 fee) left over from the county and special hunt area quotas. During both the application periodsperiod, the permits shall be issued in a random daily drawing. Applicants can apply for one or more permits during this application period. Full season antlerless-only permits shall only be issued to successful applicants that have full season either-sex permits for that county. Applicants submitting applications after October 25 cannot be guaranteed a permit by the start of the second firearm deer hunting season. Applicants must print "August 30-Multiple Muzzleloader Permits" on the outside of the envelope and mark the "August 30-Multiple Permits" box on the muzzleloading rifle deer permit application.

1) the-first-application-period-starts-August-15-and-ends-August-31-
only-one-additional-either-sex-permit-shall-be-issued-per-
successful-applicant-during-the-application-period----Applicants
who-have-not-previously-been-issued-an-either-sex-permit-may
apply-for-and-receive-a-maximum-of-two-either-sex-permits-during
this-application-period--A-maximum-of-one-bonus-antlerless-only
permit-may-be-issued-per-either-sex-permit-issued--One-full
season-antlerless-only-permit-can-be-issued-to-each-applicant
that-has-already-received-a-full-season-either-sex-permit-
Applicants-must-print-"August-15-Second-Muzzleloader-Permit"-on
the-outside-of-the-envelope-and-mark-the-"August-15-Muzzleloader
Second-Permits"-box-on-the-muzzleloading-rifle-deer-permit
application-when-applying-for-this-permit-

2) the-second-application-period-starts-September-1-and-ends
November-9--Applicants-can-apply-for-one-or-more-permits-during
this-application-period----Full-season-antlerless-only-permits
shall-only-be-issued-to-successful-applicants-that-have-full
season-either-sex-permits----Applicants-submitting-applications
after-November-9--cannot-be-guaranteed-a-permit-by-the-start-of
the-second-firearm-deer-hunting-season----Applicants-must-print
"September-1-Multiple-Muzzleloader-Permits"-on-the-outside-of-the
envelope-and-mark-the-"September-1-Multiple-Permits"-box-on-the
muzzleloading-rifle-deer-permit-application-

j) Hunter preference in obtaining a muzzleloading rifle permit shall be given to unsuccessful lottery applicants from the previous year who were unsuccessful due to the county of their choice being full. The

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following criteria must be met to obtain a preference in the muzzleloading rifle permit lottery.

1) The applicant must apply using the official agency preprinted data-mailer application.

2) The applicant must be a resident of the state, be eligible to receive a Muzzleloading Rifle Deer permit, and not had deer hunting privileges revoked pursuant to Section 660.50.

3) The applicant must apply for the same county choice which he/she listed on the previous year's application.

4) Where applicants apply as a group, preference for the entire group shall apply as it does above for the individual. All county choices for the group must be identical.

k) Applications shall be accepted at the counter window of the permit office; however, permits shall be mailed.

l) Permits are not transferrable. Refunds shall not be granted unless the Department of Conservation (Department) has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.

m) A three dollar (\$3.00) service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there shall be no charge. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.

n) Each applicant must enclose a separate \$15.00 (check or money order) payable to the Department of Conservation, or the application shall be returned. Applications should not send cash with their applications. The Department shall not be responsible for cash sent through the mail.

o) Persons with lottery preferences (i.e., who did not receive a separate Muzzleloading Rifle Deer Permit during the previous year's lottery) shall have first chance at receiving available permits the following year.

(Source: Amended at 17 Ill. Reg. 10865, effective July 1, 1993)

Section 660.22 Deer Permit Requirements - Special Hunts

a) Special hunts are regulated by the agency which manages the property. The Permit Office only issues muzzleloading rifle deer hunting permits for Delair Division of the Mark Twain National Wildlife Refuge.

b) Each applicant must enclose a separate fee (check or money order) payable to the Department of Conservation, or the application will be RETURNED. Applicants should not send cash with their application. The Department will not be responsible for cash sent through the mail.

(Source: Added at 17 Ill. Reg. 10865, effective July 1, 1993)

Section 660.30 Statewide Muzzleloading Rifle Requirements

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- a) The only legal hunting device is a muzzleloading firearm of at least .45 caliber shooting a single projectile through a barrel of at least 16 inches in length. (Except that the otherwise lawful possession of rifles to take furbearing mammals and game mammals other than deer shall not be prohibited during the muzzleloading rifle deer season as set in Section 660.107.)

b) ~~Antlerless firearms are illegal.~~

- cb) The standards and specifications for use of such muzzleloading firearm are as follows:

- 1) The minimum size of the muzzleloading firearm projectile shall be .440 caliber (wad or sleeve is not considered part of projectile).
- 2) Only black powder or Pyrodex may be used.
- 3) Percussion caps of flint type ignition only may be used.
- 4) Removal of percussion cap or removal of prime powder from frizzen pan with frizzen open and hammer all the way down shall constitute an unloaded muzzleloading firearm.

(Source: Amended at 17 Ill. Reg. 10865, effective July 1, 1993)

Section 660.40 Statewide Deer Hunting Rules

- a) The bag limit is one deer per legally authorized either-sex, antlered-only or antlerless-only permit. An either-sex permit holder is allowed to take a deer with or without antlers. An antlered-only permit holder is allowed to take only a deer having at least one antler of a length of 3 or more inches. An antlerless only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long.

b) ~~Permittees--white--white-tailed--deer--are-protected-pursuant-to-Section 2-24-of-the-Wildlife-Code-(115-Rev--Stat--1997--ch--61--par--2-24) and-are-illegal-to-kill.~~

- cb) The Muzzleloading Rifle Deer Hunting Permit shall include the hunter's signature, date of birth, Firearm Owner's Identification number (unless exempt), hunting license number (unless exempt), and physical description recorded on the permit and be carried on the person while hunting.

- dc) The leg tag shall be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the leg tag to the deer. The head/antler or hide tag shall be attached to the head/antler and hide when detached from the carcass. The head/antler tag and hide tag must remain attached to the appropriate parts until the deer is delivered to a licensed fur buyer, tanner or taxidermist for processing. The leg tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer.

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- ed) Hunters shall not have in their possession, any deer permit issued to another person, while in the field during muzzleloading rifle deer season (permits are non-transferable).
- fe) Permits will not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Disposal of unfit deer taken shall be the responsibility of the hunter.

(Source: Amended at 17 Ill. Reg. 10865, effective July 1, 1993)

Section 660.45 Reporting Harvest

- a) Within 48 hours of taking a deer by muzzleloading rifle, the hunter must check the deer in at a county archery check station. However, hunters with a muzzleloading rifle deer permit hunting during the second firearm deer season must abide by regulations contained in 17 Ill. Adm. Code 650.40(dc).
- b) Site specific reporting requirements must be followed in addition to this Section.
- c) Failure to follow this Section constitutes illegal possession of deer.

(Source: Amended at 17 Ill. Reg. 10865, effective July 1, 1993)

Section 660.50 Rejection of Application/Revocation of Permits

- a) In the event that an applicant is in violation of one of the following subsections, the application shall be held in suspension, and the application fees shall be deposited, pending a determination by the permit office of whether the violation was knowing. If the permit office determines the violation was knowing, the application shall be rejected and the fee shall be retained by Conservation. The applicant may request a hearing on this decision pursuant to 17 Ill. Adm. Code 2530. Should the permit office determine that the violation was without the knowledge of the applicant, improper applications will be rejected and the fee retained by Conservation and proper applications shall be processed.

- 1) Using hunting rights lease, or mineral rights lease or other lease for land which does not evidence a genuine farm tenancy to obtain a landowner or tenant firearm deer permit;
- 2) Submitting more application in the same number or by the same person for a Muzzleloading Rifle Deer Permit than allowed in Section 660.20. This will also result in the forfeiture of application fees submitted.
- 3) Applying for a muzzleloading rifle deer permit if you have applied for and received a regular shotgun firearm permit or have received two or fewer sex-archery-deer-permits prior to August 14.
- 4) Providing false and/or deceptive information on the deer permit application form.

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- b) Submitting an application when the applicant has a license or permit currently revoked pursuant to Section 3.36 of the Wildlife Code.
- b) Any violation of Section 1.1, et seq., of the Wildlife Code or administrative rules of the Department, in addition to other penalties, may result in revocation of hunting licenses and permits as per 17 Ill. Adm. Code 2530.

(Source: Amended at 17 Ill. Reg. 10865, effective July 1, 1993)

Section 660.60 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) The subsections listed below are referred to by number in subsections 660.60(c) through (h). Some of the sites listed in subsections 660.60(c) through (h) have numbers in parenthesis which explain the definitions in this Section which apply to that site.
- 1) Tree stands that are used for hunting deer must be legibly marked with the owner's name, address and telephone number when left unattended. These tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands may be left unattended only during the muzzleloading rifle deer season or as specified in 17 Ill. Adm. Code 670.60.
 - 2) Only one tree stand is allowed per hunter.

- c) Statewide regulations shall apply at the following sites:

AMAX-leased-lands

Cache River State Natural Area ((1) (2))

Campbell Pond Wildlife Management Area ((1)(2))

Carlyle Lake Wildlife Management Area except Subimpoundment Area

Chauncey Marsh (Permit required, may be obtained at Red Hills State Park headquarters; permits must be returned by February 15; no hunting in dedicated Nature Preserve ((1))

Crawford County Conservation Area ((1))

Dog Island Wildlife Management Area ((1) (2))

Hamilton County Conservation Area ((1))

Horseshoe Lake Conservation Area - Alexander County - all portions of the Public Hunting Area except the public goose hunting areas ((1) (2))

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Kaskaskia River Fish and Wildlife Area, except Doza Creek Waterfowl Management Area where muzzleloading firearm deer hunting is prohibited during duck season

Kidd Lake State Natural Area ((1) (2))

Mississippi River Pools 16, 17, 18, 20, 22, 24

Mississippi River Pools 25, 26 ((1) (2))

Oakford Conservation Area

Panther Creek Conservation Area ((1))

Rend Lake Project Lands and Waters

Rockhouse Creek (Monroe County) ((1)-(2))

Saline County Conservation Area ((1))

Sangamon Conservation Area ((1))

Shawnee National Forest

Sunspot Mine (Fulton and Schuyler Counties)

Ten Mile Creek Fish and Wildlife Management Area (permit required; areas designated as Refuge are closed to all access during Canada Goose Season only; windshield-cards--must--be displayed-on-dashboard-of-vehicle; permits must be returned to District Wildlife Manager, P.O. Box 313, Olney, Ill. 62450 by February 15 ((1))

Union County Conservation Area - firing line management unit ((1) (2))

Wildcat Hollow State Park

- d) Statewide regulations shall apply at the following sites (all hunters must check out and report harvest):
- Port de Chartres Historic Site (hunting in designated areas only ((1) (2))

Giant City State Park ((1)(2))

Kinkaid Lake Fish and Wildlife Area ((1)(2))

Metmet Conservation Area (no hunting--in--the--waterfowl--area) hunting north of blacktop road only ((1) (2))

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Pere Marquette State Park ((1))

Pyramid State Park ((1))(2))

Trail of Tears State Forest ((1) (2))

Turkey Bluffs Fish and Wildlife Area ((1) (2))

Weinberg-King State Park

e) Statewide regulations shall apply except hunting allowed by permit only. One-day hunter permits are allocated by public drawing every day for the next day's hunt. Drawings for Kickapoo State Park and Middle Fork State Fish and Wildlife Area will be held at the Kickapoo State Recreation Area Office. Check-in and check-out and reporting deer harvested required of all hunters.

Hidden Springs State Forest ((1) (2))

Jubilee College State Park

Kickapoo State Park ((1) (2))

Middle Fork Fish and Wildlife Area ((1) (2))

Moraine View State Park

f) Statewide regulations shall apply, except hunters must check in and check out at the site check station ((1))

Ferne Clyffe State Park ((1))(2))

1-24 Wildlife Management Area ((1))(2))

Sand Ridge State Forest ((1))

Tapley Woods State Natural Area (muzzleloader only permits are not valid during the second firearm deer season)

g) Hunting is permitted the last four days of the statewide firearm deer season only and by special permit only. Permits will be allocated by a firearm deer permit mail-in drawing at the site office. The registration procedure, hunter quota and date for the drawing will be announced by public news release. All individuals must possess a current Christian County or Sangamon County Muzzleloading Rifle Deer Permit to be eligible for the drawing. Special Sangchris Lake firearm deer permits available after the drawing will be allocated on a first-call or first-come basis from the site office. All permit holders must sign in by 6:30 a.m. at the site office for the North Mainland Area and East Mainland Areas. Permit holders for the Peninsula Area must sign in by 6:30 a.m. on the Thursday of the second statewide firearm deer season, and by 9:30 a.m. all other days. Daily vacancies will be filled on a first-come basis at the site office beginning immediately after the sign-in deadline. Check in and check out and reporting of deer harvested is required of all hunters. To minimize safety concerns regarding the simultaneous hunting of deer and waterfowl, the Peninsula will be closed to deer hunting until 11 a.m. on the Friday, Saturday and Sunday of the December firearm deer season. Shotgun and muzzleloader hunters on the North and East Mainland areas may hunt during statewide hunting hours. Only antlerless deer and deer with at least one antler with 5 or more

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NOTICE OF ADOPTED AMENDMENT(S)

Points on one side may be harvested.

Sangchris Lake Fish and Wildlife Area

h) Statewide regulations shall apply and in addition all hunters must have a permit allocated by a mail-in drawing held at the Regional Office. Permits shall be valid for Area B/C only. Only one permit shall be valid for the season. Only one permit per person shall be issued. Any duplicate applications shall be denied and the hunter shall forfeit his rights to a permit.

Pike County Conservation Area

i) Hunting is allowed during the muzzleloading rifle deer season only; by special antlerless permit only. Application procedure and special regulations to be announced by news release.

Delair Division of the Mark Twain National Wildlife Refuge

(Source: Amended at 17 Ill. Reg. 10865, effective July 1, 1993)

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DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

1) HEADING OF THE PART: Woodcock, Snipe, Rail, and Teal Hunting

2) CODE CITATION: 17 Ill. Adm. Code 740

3) SECTION NUMBERS: ADOPTED ACTION:

740.10 Amendments
740.20 Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5) [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987).

5) EFFECTIVE DATE OF AMENDMENTS: July 1, 1993

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: June 28, 1993

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: April 9, 1993, 17 Ill. Reg. 4757

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION: In Section 740.20(b), Newton Lake, the semi-colon following "only" was removed.

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF AMENDMENTS: Amendments to this Part include defining non-toxic shot, adding/deleting sites open to hunting and modifying season dates and regulations.

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NOTICE OF ADOPTED AMENDMENTS

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 740
WOODCOCK, SNIPE, RAIL, AND TEAL HUNTING

Section

740.10 Statewide Regulations

740.20 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5) [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987).

SOURCE: Adopted at 5 Ill. Reg. 8896, effective August 25, 1981; codified at 5 Ill. Reg. 10645; amended at 6 Ill. Reg. 357, effective December 23, 1981; amended at 6 Ill. Reg. 9648, effective July 21, 1982, amended at 7 Ill. Reg. 8815, effective July 15, 1983; amended at 8 Ill. Reg. 16796, effective August 30, 1984, amended at 9 Ill. Reg. 11620, effective July 16, 1985; peremptory amendments at 9 Ill. Reg. 14383, effective September 5, 1985; amended at 10 Ill. Reg. 15607, effective September 16, 1986; amended at 11 Ill. Reg. 9575, effective May 5, 1987; emergency amendments at 11 Ill. Reg. 15253, effective August 28, 1987, for a maximum of 150 days; emergency expired on January 25, 1988; amended at 12 Ill. Reg. 12261, effective July 15, 1988; amended at 13 Ill. Reg. 12869, effective July 21, 1989; amended at 14 Ill. Reg. 11207, effective June 29, 1990; amended at 15 Ill. Reg. 10057, effective June 24, 1991; amended at 16 Ill. Reg. 11162, effective June 30, 1992; amended at 17 Ill. Reg. 10877, effective July 1, 1993.

Section 740.10 Statewide Regulations

- a) Woodcock, snipe and rail regulations are in accordance with Federal Regulations (50 CFR 20, effective August 26, 1990) (no incorporation in this Part includes later amendments or editions) unless the regulations in this Part are more restrictive.
- b) ~~All persons--in--the--field--during--the--firearm--deer--season--; hunting common snipe, rail and woodcock, in those counties for which an open season--is--established--for--the--taking--of--deer--by--firearm--; shall wear the--same--blue--orange--clothing--required--for--deer--hunting--pursuant to Section--2.26--of--the--Wildlife--Code--(Ill. Rev. Stat. 1991--ch. 61, par. 2.26);~~

c) ~~The regulations in Section 2.33 of the Wildlife Code on illegal devices shall apply to this Part, unless federal regulations are more restrictive.~~

d) ~~Woodcock~~

- 1) Hunting dates: October 1 - December 4

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2) Hunting hours: Sunrise to Sunset

3) Daily limit: 5

4) Possession limit: 10 after the 1st hunting day

e) ~~d) Snipe (Common)~~

1) Hunting dates: September 4 - December 16 19

2) Hunting hours: Sunrise to Sunset

3) Daily limit: 8

4) Possession limit: 16 after the 1st hunting day

f) ~~e) Rail (Sora and Virginia)~~

1) Hunting dates: September 4 - November 9 12

2) Hunting hours: Sunrise to Sunset

3) Daily limit: 25

4) Possession limit: 25

g) ~~f) Teal~~

1) Teal regulations are in accordance with Federal Regulations, (50 CFR 20.103, effective August 26, 1990; 50 CFR 20.104, effective August 26, 1990; 50 CFR 20.105, effective August 26, 1990; 50 CFR 20.106, effective August 26, 1990; and 50 CFR 20.109, effective August 26, 1990), unless the regulations in this Part are more restrictive.

2) ~~It shall be unlawful to take, possess, transport, or use migratory waterfowl except during such period of time and in such manner and numbers as may be provided in the Federal "Migratory Bird Treaty Act" (16 U.S.C. 703-711), the "Migratory Bird Hunting Stamp Act" (16 U.S.C. 718 et seq.), and annual "Rules and Regulations for Migratory Bird Hunting" (50 CFR 20, effective August 29, 1990) (collectively referred to in this Part as federal regulations), or contrary to any state regulations made in the Wildlife Code.~~

3) ~~Shooting/hunting hours are 7:00-a.m.-4:00-p.m. sunrise - sunset.~~

4) ~~Baiting with corn, grain or other feed is prohibited.~~

h) ~~It shall be unlawful while attempting to take teal, rail or snipe to have in possession any shotgun shells not approved as non-toxic by federal regulations. The only shot approved as non-toxic by the U.S. Fish and Wildlife Service (50 CFR 20) is steel shot, and copper-plated or nickel-plated steel shot for which the plating represents less than 1% of the shot's weight. Lead shot plated with cooper, nickel, or other material does not qualify. Sites covered by these regulations are as stated in the federal regulations--or--they--are--listed--under Section 740.20 of this Part.~~

(Source: Amended at 17 Ill. Reg. 10877, effective July 1, 1993)

Section 740.20 Regulations at Various Department-Owned or -Managed Sites

a) All the rules in 17 Ill. Adm. Code 510 apply in this Section, unless this Section is more restrictive.

b) ~~Woodcock, snipe and rail hunting; statewide regulations as provided~~

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for in this Part shall apply at the following areas (exceptions are in parentheses):

AMAX-beased-lands

Anderson Lake Conservation Area (closed 7 days before waterfowl season)

Big Bend Conservation Area

Big River State Forest

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers managed lands

Carlyle Lake Wildlife Management Area (closes 3 days before waterfowl season in subimprundment area)

Chauncey Marsh (permit required, may be obtained at Red Hills State Park; must be returned by February 15; no hunting in dedicated Nature Preserve)

Elinton-bake-State-Recreation-Area

Crawford County Conservation Area

Dog Island Wildlife Management Area

Eldon Hazlet State Park (North of Allen Branch and west of Peppenhorst Branch only)

Ferne Clyffe State Park

Ft. de Chartres Historic Site (hunting with muzzle loading shotgun only)

Ft. Massac State Park

Giant City State Park

Hamilton County Conservation Area (statewide hours until **upland game** rabbit season, then 8:00 a.m. to statewide closing)

Horseshoe Lake Public Hunting Area (Alexander County) - (closed on controlled goose hunting area)

I-24 Wildlife Management Area

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Iroquois County Conservation Area (closes at 4:00 p.m. the day before permit pheasant season; 8:00 a.m. to 4:00 p.m.; hunters must check out and report harvest)

Jubilee College State Park (closed 1st weekend - Saturday and Sunday of October; legal opening to 4:00 p.m.)

Kankakee River State Park (October 1 - day before pheasant season; 9:00 a.m. - 3:00 p.m.; hunters must check in; check out required within 15 minutes of completing hunt; DOC issued back patch must be worn while hunting; during pheasant season, hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110, **Upland Rabbit** Hunting, which pertain to Kankakee River State Park; no snipe or rail hunting)

Kaskaskia River Fish and Wildlife Area (closes 3 days before waterfowl season in Doza Creek Waterfowl Management Area)

Kickapoo State Park (8:00 a.m. to 4:00 p.m.; closed during firearm deer season; no snipe or rail hunting)

Kidd Lake State Natural Area (no permanent blinds allowed)

Kinkaid Lake Fish and Wildlife Area

Lake Shelbyville-Kaskaskia and West Okaw Wildlife Management Area

Marseilles (closed Fridays, Saturdays and Sundays through October 30; no rail or snipe hunting)

Middle Fork Fish and Wildlife Area (8:00 a.m. to 4:00 p.m.; closed during firearm deer season; no snipe or rail hunting)

Mississippi River Pools 21, 22, 24, 25 and 26

Mississippi River Pools 16, 17, and 18

Moraine View State Park (closes at 4:00 p.m. on day before permit site's pheasant season; 8:00 a.m. to 4:00 p.m.)

Newton Lake State Fish & Wildlife Area (hunting allowed in portions open to rabbit hunting only during period coinciding with rabbit season; 8:00 a.m. to 4:00 p.m.; no hunting during firearm deer season)

Oakford Conservation Area

Panther Creek Conservation Area

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Pike County Conservation Area (all hunting closes November 30 in Area A; all hunting closes December 15 in Area B)

Pyramid State Park

Randolph County Conservation Area (no rail hunting)

Ramsey Lake State Park (statewide hours until rabbit season begins; then 8:00 a.m. - 4:00 p.m.)

Red Hills (statewide hours until upland-game rabbit season, then 8:00 a.m. - Statewide closing)

Rend Lake Project Lands and Waters

Rice Lake (during teal season only, hours are sunrise until noon; no woodcock hunting)

Rockhouse-Creek-(Monroe-County)

Saline County Conservation Area (statewide hours until upland game rabbit season, then 8:00 a.m. to 4:00 p.m.)

Sam Dale Lake Conservation Area (statewide hours until upland game rabbit season, then 8:00 a.m. to 4:00 p.m.)

Sam Parr State Park (statewide hours until upland-game rabbit season, then 8:00 a.m. to 4:00 p.m.)

Sand Ridge State Forest (During the controlled quail-and pheasant hunting season, woodcock and snipe hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110 - Upland Rabbit Hunting - which pertain to Sand Ridge State Forest; no rail or teal hunting)

Sangamon County Conservation Area

Sanganois Conservation Area

Shawnee National Forest--baRee-Scatters-(closes-at-noon)

Shawnee-National-Forest;--Oakwood--Bottoms--(6:00--at-noon)
west-of-Big-Muddy-beaver-closes-at-noon

Site M (open weekends only as publicly announced by the Department in the news media; no rail hunting)

Stephen Forbes State Park (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Sunspot Mine (Fulton and Schuyler Counties)

Tapley Woods State Natural Area (closed during firearm deer season)

Ten Mile Creek State Fish and Wildlife Area (permit required; areas designated as Refuge are closed to all access during Canada Goose Season only; parking card must be displayed on dashboard of vehicle; permit must be returned by February 15 to District Wildlife Manager, P.O. Box 313, Olney, IL 62450).

Trail of Tears State Forest

Turkey Bluffs Fish and Wildlife Area

Union County Conservation Area (Firing Line Management Unit only)

Washington County Conservation Area (no rail hunting)

Weinberg-King State Park

Wildcat Hollow State Forest

Witkowsky State Wildlife Area

c) Woodcock, snipe and rail hunting permitted, exceptions as noted in parentheses. Hunters must obtain a permit from site office and permit must be in possession while hunting. Failure to report harvest by February 15 will result in loss of hunting privileges at that site for the following year.

Clinton Lake State Recreation Area

Eagle Creek State Park (snipe and rail hunting after September 15 only)

Fox Ridge State Park

Hidden Springs State Forest (no hunting during firearm deer season)

Lake Shelbyville Eagle Creek Wildlife Management Area

d) Teal hunting; statewide regulations as provided for in this Part shall apply on the following sites (exceptions are in parentheses):
Anderson Lake Conservation Area

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Chain O'Lakes State Park (hunting is allowed only from numbered

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blind sites. The blinds need not be completed)

Carlyle Lake Wildlife Management Area

Chauncey Marsh (permit required, may be obtained at Red Hills State Park headquarters; must return permit by February 15; no hunting in dedicated Nature Preserve)

Des Plaines Conservation Area (Des Plaines River Waterfowl Area only; blind claiming privileges apply as specified in 17 Ill. Adm. Code 590.30(f) and 590.50(b); hunting from numbered blind sites only; blinds do not have to be completed)

Dog Island Wildlife Management Area

Eldon Hazlet State Park (North-of-Allen-Branch-only in lands and waters of Pepperhorst Branch and Allen Branch north of the buoys only, and not within clearly posted refuge areas or developed recreation areas, or within 500 feet of construction sites, developed recreation areas, fisheries rearing ponds, roadways, and residences. No permanent blinds; minimum 12 decoys; minimum 200 yards between hunting parties)

Ft. de Chartres Historic Site (see site specific regulations of Section 590.60(b))

Horseshoe Lake State Park (Madison County)

Kaskaskia River Fish and Wildlife Area

Kidd Lake State Natural Area (no permanent blinds)

Lake Shelbyville Fish and Wildlife Area

Lake Sinissippi Conservation Area

Marshall State Fish and Wildlife Area (Spring Branch Unit & Sparland Unit)

Mississippi River Pools 16, 17, 18, 21, 22, 24, 25, 26

Oakford Conservation Area (portable blinds only; 200 yard minimum distance must be maintained between hunting parties)

Rend Lake Project Lands and Waters (no permanent blinds allowed)

Rice Lake Conservation Area (sunrise until 12:00 Noon)

Sanganois Conservation Area

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Savanna Ordnance Depot (hunting is allowed only from blind sites)

Shawnee National Forest (no permanent blinds allowed)

Snake Den Hollow

Sunspot Mine (Fulton and Schuyler Counties)

Ten Mile Creek State Fish and Wildlife Area (permit required; areas designated as Refuge are closed to all access during Canada Goose Season only; parking card must be displayed on dashboard of vehicle; permit must be returned by February 15 to District Wildlife Manager, P.O. Box 313, Olney, IL 62450)

Union County Conservation Area (public goose hunting area only)

Woodford County Conservation Area

(Source: Amended at 17 Ill. Reg. 10877, effective July 1, 1993)

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED RULES

1) The Heading of the Part: Administrative and Judicial Review

2) Code Citation: 62 Ill. Adm. Code 1847

3) Section Numbers: Adopted Action:

1847.1	New
1847.2	New
1847.3	New
1847.4	New
1847.5	New
1847.6	New
1847.7	New
1847.8	New
1847.9	New

4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (225 ILCS 720) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

5) Effective Date of Rules: July 1, 1993

6) Does this rulemaking contain an automatic repeal date? No

7) Does the adopted rule contain incorporations by reference pursuant to Section 6.02(b) of the Act? No

8) Date filed in agency's principal office: July 1, 1993

9) Date Notice of Proposed Rules published in Illinois Register:

July 10, 1992; 16 Ill. Reg.10596

10) Has JCAR issued a Statement of Objections to this rulemaking? No

11) Changes made between proposed and adopted versions:

Statutory citations and references were updated and/or corrected and other clerical changes were made in response to comments received from the Administrative Code Division and JCAR.

The following changes were made in response to comments received during the comment period:

A new second sentence was added to Section 1847.3(a) reading as follows: "The procedures outlined in this Section apply to conflict of interest hearings requested under 62 Ill. Adm. Code 1705.21, review of

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NOTICE OF ADOPTED RULES

valid existing right determinations under 62 Ill. Adm. Code 1761.12(g), review of exemption determinations under 62 Ill. Adm. Code 1702.11(f) and 1702.17(c)(2) and hearings requested under 62 Ill. Adm. Code 1773.21(c)."

A new second sentence was added to Section 1847.3(d) reading as follows: "The hearing shall be on the record and adjudicatory in nature."

The following language was added to Section 1847.3(i): "All parties shall have fifteen (15) days after service of written exceptions to file a response thereto with the Director. Failure to file written exceptions or a response thereto is not a failure to exhaust administrative remedies and does not affect a party's right to judicial review." This language was also added to Sections 1847.4(j), 1847.5(m), 1847.6(k), 1847.7(j), 1847.8(k) and 1847.9(j).

Section 1847.3(j) was revised to read as follows: "If no written exceptions are filed, the hearing officer's proposed decision shall become final fifteen (15) days after service of such decision. If written exceptions are filed, the Director shall within fifteen (15) days following the time for filing a response thereto either issue the Department's final administrative decision affirming or modifying the hearing officer's decision, or shall vacate the hearing officer's decision and remand the proceeding to the hearing officer for further action." This revision was also made to Sections 1847.4(k), 1847.5(n), 1847.6(l), 1847.7(k), 1847.8(l) and 1847.9(k).

Section 1847.3(1) was revised to read as follows:

Judicial review. Following service of the Department's final administrative decision, any person with an interest with is or may be adversely affected and who has participated in the administrative hearing under this Section may request judicial review of that decision in accordance with the Administrative Review Law (735 ILCS 5/3), if:

- 1) The person is aggrieved by the Department's final administrative decision; or
- 2) The hearing officer failed to act within the time limits specified in the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.), the Surface Coal Mining Land Conservation and Reclamation Act (State Act) (225 ILCS 720) or this Section.
- 3) Review under this subsection shall not be construed to limit rights established in Section 8.05 of the State Act (225 ILCS

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720/8.05).

New language was added to Section 1847.(c)(4) and the remainder of the Section redesignated accordingly. The new language reads as follows:
 "Response to application. Except as provided in subsection (c)(5)(B) below, all parties to the proceeding to which the application relates shall have five (5) days from the date of receipt of the application to file a written response."

- 12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency?

No formal agreements between the Department and JCAR were necessary to resolve Committee questions.

- 13) Will this rule replace an emergency rule currently in effect? No

- 14) Are there any proposed amendments pending on this Part? No

- 15) Summary and purpose of rules:

The Department identified rules that should be amended in order to more effectively carry out its statutory mandate. New Part 1847 contains provisions for the various types of administrative hearings held before the Department. In the past, administrative review provisions were scattered throughout various Parts and Sections of the Department's rules, and it was often unclear what procedural rules applied to the various hearings. By reorganizing to include all administrative review proceedings in one Part, the Department hopes to add consistency and clarity to its rules.

- 16) Information and questions regarding these Adopted Rules shall be directed to:

Name: Fred Bowman

Address: Land Reclamation Division
 Department of Mines and Minerals
 300 West Jefferson, Suite 300
 P.O. Box 10197
 Springfield, Illinois 62791-0197

Telephone: (217) 782-4970

The full text of Adopted Rules begins on the next page.

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 62: MINING

CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 1847

ADMINISTRATIVE AND JUDICIAL REVIEW

Section	Scope
1847.1	Construction
1847.2	Permit Hearings
1847.3	Citation Hearings
1847.4	Civil Penalty Assessment Hearings
1847.5	Show Cause Hearings
1847.6	Bond Forfeiture Hearings
1847.7	Individual Civil Penalty Hearings
1847.8	Bond Release Hearings
1847.9	

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.) [225 ILCS 720].

SOURCE: Adopted at 17 Ill. Reg. 10887, effective July 1, 1993.

Section 1847.1 Scope

Proceedings under this Part are subject to the general rules relating to procedure and practice at 62 Ill. Adm. Code 1848 and to Article 10 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1010-5 et seq., including P.A. 87-823, effective July 1, 1992) [5 ILCS 100/10].

Section 1847.2 Construction

These rules shall be construed to achieve the just, timely and inexpensive determination of all proceedings consistent with adequate consideration of the issues involved.

Section 1847.3 Permit Hearings

- a) Within thirty (30) days after an applicant is mailed written notice of the Department's final decision concerning an application for approval of exploration required under 62 Ill. Adm. Code 1772, a permit for surface coal mining and reclamation operations, a permit revision, a permit renewal, a permit rescission or a transfer, assignment, or sale of permit rights, the applicant, or any person with an interest which is or may be adversely affected, may file a written request for a hearing to contest the decision. The procedures outlined in this Section apply to conflict of interest hearings requested under 62 Ill. Adm. Code 1705.21, review of valid existing right determinations under

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62 Ill. Adm. Code 1761.12(g), review of exemption determinations under 62 Ill. Adm. Code 1702.11(f) and 1702.17(c)(2) and hearings requested under 62 Ill. Adm. Code 1773.21(c). Failure to file a request for hearing within this thirty (30) day time period shall result in a waiver of the right to such hearing; requests for hearing filed after the expiration of the thirty (30) day time period shall be dismissed on motion of the Department in accordance with 62 Ill. Adm. Code 1848.12.

- b) The hearing request shall state:
 - 1) The petitioner's name and address;
 - 2) A clear statement of the facts entitling the petitioner to relief, including the petitioner's interest(s) which is or may be adversely affected by the Department's final decision;
 - 3) How the Department's final decision may or will adversely affect the interest(s) specified;
 - 4) An explanation of each specific alleged error in the Department's final decision, including reference to the statutory and/or regulatory provisions allegedly violated;
 - 5) The specific relief sought from the Department; and
 - 6) Any other relevant information.
- c) Any party to the hearing may request that a pre-hearing conference be scheduled, in accordance with 62 Ill. Adm. Code 1848.7.
- d) Unless a pre-hearing conference has been scheduled or unless the person requesting the hearing waives the thirty (30) day time limit, the Department shall start the hearing within thirty (30) days of the hearing request. The hearing shall be on the record and adjudicatory in nature. No person who presided at an informal conference under 62 Ill. Adm. Code 1773.13(c) or a public hearing under 62 Ill. Adm. Code 1773.14 shall either preside at the hearing or participate in the decision following the hearing.
- e) Notice of hearing. The petitioner and other interested persons shall be given written notice of the hearing in accordance with 62 Ill. Adm. Code 1848.5 at least five (5) working days prior thereto. Notice of the hearing shall also be posted at the appropriate district or field office.
- f) Record of hearing. A complete record of the hearing and all testimony shall be made by the Department and recorded stenographically. Such record shall be maintained and shall be available to the public until at least sixty (60) days after the Director's decision referred to in subsection (j) below is issued.
- g) Burden of proof. The party seeking to reverse the Department's decision shall have the burden of proving that the Department's decision was clearly erroneous.
- h) Within thirty (30) days after the close of the record, the hearing officer shall issue and serve, by certified mail, each party who participated in the hearing, with a proposed decision consisting of proposed written findings of fact, conclusions of law and an order adjudicating the hearing request.
- i) Within fifteen (15) days after service of the hearing officer's

DEPARTMENT OF MINES AND MINERALS

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proposed decision, each party to the hearing may file with the Director written exceptions to the hearing officer's proposed decision, stating how and why such decision should be modified or vacated. All parties shall have fifteen (15) days after service of written exceptions to file a response thereto with the Director. Failure to file written exceptions or a response thereto is not a failure to exhaust administrative remedies and does not affect a party's right to judicial review.

- j) If no written exceptions are filed, the hearing officer's proposed decision shall become final fifteen (15) days after service of such decision. If written exceptions are filed, the Director shall within fifteen (15) days following the time for filing a response thereto either issue the Department's final administrative decision affirming or modifying the hearing officer's decision, or shall vacate the hearing officer's decision and remand the proceeding to the hearing officer for further action.
- k) Request for temporary relief.
 - 1) Any party may file a request for temporary relief at any time prior to a decision by the hearing officer, so long as the relief sought is not the issuance of a permit where a permit application has been disapproved in whole or in part. The request for temporary relief shall include:
 - A) A detailed written statement setting forth the reasons why relief should be granted;
 - B) A statement of the specific relief requested;
 - C) A showing that there is a substantial likelihood that the person seeking relief will prevail on the merits of the final determination of the proceeding; and
 - D) A showing that the relief sought will not adversely affect the public health or safety or cause significant, imminent environmental harm to land, air or water resources.
 - 2) The hearing officer may hold a hearing on any issue raised by the request for temporary relief.
 - 3) Within fifteen (15) days after the close of the record on the request for temporary relief, the hearing officer shall issue an order or decision granting or denying such temporary relief. Temporary relief may be granted only if:
 - A) All parties to the proceeding have been notified and given an opportunity to be heard on the request for temporary relief;
 - B) The person requesting such relief shows a substantial likelihood of prevailing on the merits of the final determination of the proceeding;
 - C) Such relief will not adversely affect the public health or safety, or cause significant, imminent environmental harm to land, air or water resources; and
 - D) The relief sought is not the issuance of a permit where a permit has been denied by the Department, in whole or in part, except that continuation under an existing permit

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shall be allowed where the applicant has a valid permit issued pursuant to 62 Ill. Adm. Code 300.

- 1) Judicial review. Following service of the Department's final administrative decision, any person with an interest which is or may be adversely affected and who has participated in the administrative hearing under this Section may request judicial review of that decision in accordance with the Administrative Review Law (735 ILCS 5/3), if:

- 1) The person is aggrieved by the Department's final administrative decision; or
- 2) The hearing officer failed to act within the time limits specified in the Surface Mining Control And Reclamation Act of 1977 (30 U.S.C. 1201 et seq.), the Surface Coal Mining Land Conservation and Reclamation Act (State Act) (225 ILCS 720) or this Section.
- 3) Review under this subsection shall not be construed to limit rights established in Section 8.05 of the State Act (225 ILCS 720/8.05).

Section 1847.4 Citation Hearings

- a) A person issued a notice of violation or cessation order under 62 Ill. Adm. Code 1843.11 or 1843.12, or a person having an interest which is or may be adversely affected by the issuance, modification, vacation, or termination of a notice of violation or cessation order, may request review of that action by filing a request for hearing within thirty (30) days after receiving notice of the action. No extension of time will be granted for filing a request for hearing.
- b) Failure to file a request for hearing in accordance with subsection (a) shall not preclude challenging the fact of violation during a civil penalty review proceeding pursuant to 62 Ill. Adm. Code 1847.5.
- c) If a hearing has been requested and a civil penalty is subsequently assessed for the notice of violation or cessation order for which the hearing was requested, the proposed penalty assessment must be forwarded to the Department, in accordance with Section 1847.5(c), within thirty (30) days of receipt of the proposed assessment, for placement in escrow, in order to continue the review proceedings. Failure to forward the money to the Department within thirty (30) days of receipt of the proposed penalty assessment shall result in a waiver of all legal rights to contest both the fact of the violation and the amount of the penalty; requests for hearing filed after the expiration of the thirty (30) day time period shall be dismissed on motion of the Department in accordance with 62 Ill. Adm. Code 1848.12.
- d) Contents of request. The hearing request shall include:
 - 1) A statement of facts entitling the person to relief;
 - 2) A statement indicating the reasons why the fact of the violation is being contested;
 - 3) A statement of the specific relief requested; and
 - 4) Any other relevant information.

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- e) Any party to the hearing may request that a pre-hearing conference be scheduled, in accordance with 62 Ill. Adm. Code 1848.7.
- f) Notice of hearing. The applicant and other interested persons shall be given written notice of the hearing in accordance with 62 Ill. Adm. Code 1848.5 at least five (5) working days prior thereto. Notice of the hearing shall also be posted at the appropriate district or field office, at the mine site, and to the extent possible in a newspaper of general circulation in the area of the mine at least five (5) days prior to the hearing.
- g) Record of hearing. A complete record of the hearing and all testimony shall be made by the Department and recorded stenographically. Such record shall be maintained and shall be available to the public until at least sixty (60) days after the Director's decision referred to in subsection (k) is issued.
- h) Burden of proof.
 - 1) In citation hearing proceedings conducted under this Section, the Department shall have the burden of going forward to establish a prima facie case as to the validity of the notice, order, or modification, vacation or termination thereof.
 - 2) The ultimate burden of persuasion shall rest with the person who requested the hearing.

- i) Within thirty (30) days after the close of the record, the hearing officer shall issue and serve, by certified mail, each party who participated in the hearing with a proposed decision consisting of proposed written findings of fact, conclusions of law and an order adjudicating the hearing request.

- j) Within fifteen (15) days after service of the hearing officer's proposed decision, each party to the hearing may file with the Director written exceptions to the hearing officer's proposed decision, stating how and why such decision should be modified or vacated. All parties shall have fifteen (15) days after service of written exceptions to file a response thereto with the Director. Failure to file written exceptions or a response thereto is not a failure to exhaust administrative remedies and does not affect a party's right to judicial review.

- k) If no written exceptions are filed, the hearing officer's proposed decision shall become final fifteen (15) days after service of such decision. If written exceptions are filed, the Director shall within fifteen (15) days following the time for filing a response thereto either issue the Department's final administrative decision affirming or modifying the hearing officer's decision, or shall vacate the hearing officer's decision and remand the proceeding to the hearing officer for further action.

- l) The filing of a request for a hearing under this Section shall not operate as a stay of any notice or order, or of any modification, termination, or vacation of any notice or order.

- m) Settlement agreement.

- 1) If a settlement agreement is entered into at any stage of the hearing process, the person to whom the notice or order was

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issued will be deemed to have waived all right to further review of the violation or penalty in question, except as otherwise expressly provided for in the settlement agreement. The settlement agreement shall contain a waiver clause to this effect.

- 2) If full payment of the amount specified in the settlement agreement is not received by the Department within the agreed upon period after the date of signing, the Department may enforce the agreement or rescind it and proceed to collect the original face amount of the assessment within thirty (30) days from the date of the rescission.

n) Summary disposition. Where the person against whom the notice of violation or cessation order was issued fails to appear at a hearing requested by him, that person will be deemed to have waived his right to a hearing and the hearing officer may assume for purposes of the proceeding:

- 1) That each violation listed in the notice of violation or cessation order occurred; and
- 2) The truth of any facts alleged in such notice or order.

o) Temporary relief.

- 1) Pending completion of a hearing held under this Section, the applicant may file with the Department a written request for temporary relief from any notice or order issued under Section 8.06 of the State Act. The applicant shall not apply to the courts for immediate injunctive relief until a written order or decision granting or denying temporary relief is issued by the hearing officer.

- 2) When to file. An application for temporary relief may be filed by any party to a proceeding under this Section at any time prior to a decision by the hearing officer.

- 3) Contents of application. The application for temporary relief shall include:

- A) A detailed written statement setting forth the reasons why relief should be granted;
- B) A showing that there is a substantial likelihood that the findings of the Department will be favorable to the applicant;
- C) A statement that the relief sought will not adversely affect the health and safety of the public or cause significant, imminent environmental harm to land, air or water resources;
- D) If the application relates to an order of cessation issued pursuant to Section 8.06(b) or (c) of the State Act, a statement of whether the requirement of Section 8.07(d) of the State Act for decision on the request within five (5) days is waived; and

E) A statement of the specific relief requested.

- 4) Response to application. Except as provided in subsection (o)(5)(B) below, all parties to the proceeding to which the application relates shall have five (5) days from the date of

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- 5) receipt of the application to file a written response. Determination on application.

A) If the five (5) day requirement of Section 8.07(d) of the State Act is waived, the hearing officer shall expeditiously conduct a hearing and render a decision on the application for temporary relief.

B) If there is no waiver of the five (5) day requirement of Section 8.07(d) of the State Act, the following special rules shall apply:

- i) The five (5) day time for decision shall not begin to run until the application is received by the hearing officer.

ii) The applicant shall serve all parties with a copy of the application simultaneously with the filing of the application. If service is accomplished by mail, the applicant shall inform such other parties by telephone at the time of mailing that an application is being filed, the contents of the application and with whom the application was filed.

iii) All parties may indicate their objection to the application by communicating such objection to the hearing officer and the applicant by telephone. All parties shall simultaneously reduce their objections to writing. The written objections must be immediately filed with the hearing officer and served upon the applicant.

iv) Upon receipt of the application the hearing officer shall immediately schedule a hearing and inform all parties of the time, date and location of the hearing by telephone. The hearing officer shall reduce such communication to writing in the form of a memorandum to the file. Such hearing may be conducted by telephone if all parties are so amenable.

v) The hearing officer shall either rule from the bench on the application for temporary relief, orally stating the reasons for his decision, or he shall within twenty-four (24) hours of completion of the hearing issue a written decision.

vi) The order or decision of the hearing officer shall be issued within five (5) working days of the receipt of the application for temporary relief.

vii) If at any time after the initiation of this expedited procedure, the applicant requests a delay or acts in a manner so as to frustrate the expeditious nature of this proceeding or fails to supply the information required by subsection (o)(3), such action shall constitute a waiver of the five (5) day requirement of Section 8.07(d) of the State Act.

- 6) Temporary relief may be granted under such conditions as the

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hearing officer may prescribe, if:

- A) Unless waived, a hearing has been held in the locality of the permit area on the request for temporary relief in which all parties were given an opportunity to be heard;
 - B) The applicant shows that there is substantial likelihood that the finding of the Department will be favorable to him; and
 - C) Such relief will not adversely affect the health and safety of the public or cause significant, imminent environmental harm to land, air or water resources.
- p) Judicial review. Following service of the Department's final administrative decision, the permittee or any affected person may request judicial review of that decision in accordance with the Administrative Review Law (Ill. Rev. Stat. 1991, ch. 110, pars. 3-101 through 3-112) [735 ILCS 5/3].

Section 1847.5 Civil Penalty Assessment Hearings

- a) Within thirty (30) days after receipt of a proposed civil penalty assessment, the person against whom the proposed penalty was assessed may request a hearing to contest the fact of the violation or the proposed penalty by filing a written request for hearing.
- b) The request for hearing shall include:
 - 1) A short and plain statement indicating the reasons why either the amount of the penalty or the fact of the violation is being contested;
 - 2) Identification by number of all violations being contested; and
 - 3) The identifying number of the cashier's check, certified check, bank draft, personal check, or bank money order accompanying the hearing request.
- c) The hearing request shall be accompanied by:
 - 1) Full payment of the proposed assessment in the form of a cashier's check, certified check, bank draft, personal check or bank money order made payable to the Illinois Department of Mines and Minerals to be placed in an escrow account pending final determination of the assessment; and
 - 2) On the face of the payment an identification by number of the violation(s) for which payment is being tendered.
- d) Failure to file the proposed penalty assessment with the Department within thirty (30) days of receipt of the proposed penalty assessment shall result in a waiver of all legal rights to contest both the fact of the violation and the amount of the penalty.
- e) No extension of time will be granted for full payment of the proposed penalty assessment. If payment is not made within the time period established in this Section, the fact of the violation and the appropriateness of the amount of the penalty shall be deemed admitted, the request for hearing shall be dismissed on motion of the Department in accordance with 62 Ill. Adm. Code 1848.12, and the civil penalty assessment shall become a final administrative decision of the

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Department.

- f) Any party to the hearing may request that a pre-hearing conference be scheduled, in accordance with 62 Ill. Adm. Code 1848.7.
- g) The applicant and other interested persons shall be given written notice of the hearing in accordance with 62 Ill. Adm. Code 1848.5 at least five (5) working days prior thereto. Notice of the hearing shall also be posted at the appropriate district or field office, at the mine site, and to the extent possible in a newspaper of general circulation in the area of the mine at least five (5) days prior to the hearing.
- h) Settlement agreement.
 - 1) If a settlement agreement is entered into at any stage of the hearing process, the person to whom the notice or order was issued will be deemed to have waived all right to further review of the violation or penalty in question, except as otherwise expressly provided for in the settlement agreement. The settlement agreement shall contain a waiver clause to this effect.
 - 2) If full payment of the amount specified in the settlement agreement is not received by the Department within the agreed upon period after the date of signing, the Department may enforce the agreement or rescind it and proceed to collect the original face amount of the assessment within thirty (30) days from the date of the rescission.
- i) Summary disposition.
 - 1) Where the person against whom the proposed civil penalty is assessed fails to appear at a hearing, that person will be deemed to have waived his right to a hearing and the hearing officer may assume for purposes of the assessment:
 - A) That each violation listed in the notice of violation or cessation order occurred; and
 - B) The truth of any facts alleged in such notice or order.
 - 2) In order to issue an order or decision assessing the appropriate penalty when the person against whom the proposed civil penalty was assessed fails to appear at the hearing, the hearing officer shall either conduct an ex parte hearing or require the Department to furnish proposed findings of fact and conclusions of law.
- j) Record of hearing. A complete record of the hearing and all testimony shall be made by the Department and recorded stenographically. Such record shall be maintained and shall be available to the public until at least sixty (60) days after the decision of the Director referred to in subsection (n) has been issued.
- k) Burden of proof. In civil penalty review proceedings, the Department shall have the burden of going forward to establish a prima facie case as to the fact of the violation and the amount of the civil penalty and the ultimate burden of persuasion as to the amount of the civil penalty. The person who requested the hearing shall have the ultimate burden of persuasion as to the fact of the violation.

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- 1) Within thirty (30) days after the close of the record, the hearing officer shall issue and serve, by certified mail, each party who participated in the hearing with a proposed decision consisting of proposed written findings of fact, conclusions of law and an order adjudicating the hearing request.

1) If the hearing officer finds that:

- A) A violation occurred or that the fact of the violation is uncontested, he shall establish the amount of the penalty giving due weight to the Department's proposed civil penalty assessment amount;
- B) No violation occurred, he shall issue an order that the proposed assessment be returned to the petitioner.

2) If the hearing officer reduces the amount of the civil penalty below that of the Department's proposed assessment, the Department shall within thirty (30) days remit the appropriate amount to the person who made the payment, with interest at the rate of six (6) percent, or at the prevailing United States Department of Treasury rate, whichever is greater.

- 3) If the hearing officer increases the amount of the civil penalty above that of the Department's proposed assessment, the hearing officer shall order payment of the appropriate amount within thirty (30) days of receipt of the decision.

m) Within fifteen (15) days after service of the hearing officer's proposed decision, each party to the hearing may file written exceptions to the hearing officer's proposed decision, stating how and why such decision should be modified or vacated. All parties shall have fifteen (15) days after service of written exceptions to file a response thereto with the Director. Failure to file written exceptions or a response thereto is not a failure to exhaust administrative remedies and does not affect a party's right to judicial review.

n) If no written exceptions are filed, the hearing officer's proposed decision shall become final fifteen (15) days after service of such decision. If written exceptions are filed, the Director shall within fifteen (15) days following the time for filing a response thereto either issue the Department's final administrative decision affirming or modifying the hearing officer's decision, or shall vacate the hearing officer's decision and remand the proceeding to the hearing officer for further action.

o) Judicial review. Following service of the Department's final administrative decision, the permittee or any affected person may request judicial review of that decision in accordance with the Administrative Review Law (Ill. Rev. Stat. 1991, ch. 110, pars. 3-101 through 3-112) [735 ILCS 5/3].

Section 1847.6 Show Cause Hearings

- a) Whenever a show cause order is issued under 62 Ill. Adm. Code 1843.13, the permittee shall have thirty (30) days from the completion of

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service of the show cause order in which to file an answer and request a hearing.

- b) Contents of answer. The permittee's answer to a show cause order shall contain a statement setting forth:

1) A detailed explanation as to why a pattern of violations does not exist or has not existed, including all reasons for contesting:

- A) The fact of any of the violations alleged by the Department as constituting a pattern of violations;
- B) The willfulness of such violations; or
- C) Whether such violations were caused by the unwarranted failure of the permittee;

2) All mitigating factors the permittee believes exist in determining the terms of the revocation or the length and terms of the suspension;

3) Any other alleged relevant facts; and

4) Whether a hearing on the show cause order is desired.

- c) Show cause hearings shall be held at the Department's Springfield, Illinois office.

d) Any party to the hearing may request that a pre-hearing conference be scheduled, in accordance with 62 Ill. Adm. Code 1848.7.

e) Notice of hearing. The Department shall give written notice of the hearing in accordance with 62 Ill. Adm. Code 1848.5 to all parties. The Department shall publish the notice, if practicable, in a newspaper of general circulation in the area of the surface coal mining and reclamation operation, and shall post it at the Department's office closest to the operation.

f) Settlement agreement. If a settlement agreement is entered into at any stage of the hearing process, the person to whom the show cause order was issued will be deemed to have waived all right to further review of the show cause order, except as otherwise expressly provided for in the settlement agreement. The settlement agreement shall contain a waiver clause to this effect.

g) Summary disposition. Where the person to whom the show cause order was issued fails to appear at the hearing, that person will be deemed to have waived his right to a hearing and the hearing officer may assume the truth of any facts alleged in the show cause order.

h) Burden of proof. In proceedings to suspend or revoke a permit, the Department shall have the burden of going forward to establish a prima facie case for suspension or revocation of the permit. The ultimate burden of persuasion that the permit should not be suspended or revoked shall rest with the permittee.

i) Record of hearing. A complete record of the hearing and all testimony shall be made by the Department and recorded stenographically. Such record shall be maintained and shall be available to the public until at least sixty (60) days after the Director's decision referred to in subsection (1) is issued.

j) Within thirty (30) days after the close of the record, the hearing officer shall issue and serve, by certified mail, each party who participated in the hearing with a proposed decision consisting of

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proposed written findings of fact, conclusions of law and an order adjudicating the hearing request. The hearing officer's proposed decision shall include a determination as to whether a pattern of violations exists and, if appropriate, a proposed order suspending or revoking the permit. Permit suspension shall be imposed if the hearing officer determines that this remedy creates less potential harm to the environment and to the health and safety of the public than permit revocation.

k) Within fifteen (15) days after service of the hearing officer's proposed decision, each party to the hearing may file with the Director written exceptions to the hearing officer's proposed decision, stating how and why such decision should be modified or vacated. All parties shall have fifteen (15) days after service of written exceptions to file a response thereto with the Director. Failure to file written exceptions or a response thereto is not a failure to exhaust administrative remedies and does not affect a party's right to judicial review.

l) If no written exceptions are filed, the hearing officer's proposed decision shall become final fifteen (15) days after service of such decision. If written exceptions are filed, the Director shall within fifteen (15) days following the time for filing a response thereto either issue the Department's final administrative decision affirming or modifying the hearing officer's decision, or shall vacate the hearing officer's decision and remand the proceeding to the hearing officer for further action.

m) Failure to file a timely answer or request for hearing on a show cause order upon which service is deemed complete under 62 Ill. Adm. Code 1843.14 shall, upon motion of the Department in accordance with 62 Ill. Adm. Code 1848.12, result in the Department's issuance of an order suspending or revoking the permit and the permittee's right to mine, which shall constitute the Department's final administrative decision in the matter.

n) Judicial review. Following service of the Department's final administrative decision, the permittee may request judicial review of that decision in accordance with the Administrative Review Law (Ill. Rev. Stat. 1991, ch. 110, pars. 3-101 through 3-112) [735 ILCS 5/3].

Section 1847.7 Bond Forfeiture Hearings

a) Time for request. After receipt of bond forfeiture notification in accordance with 62 Ill. Adm. Code 1800.50(a)(1), the permittee may request a hearing. The hearing must be requested within fifteen (15) days of the permittee's receipt of bond forfeiture notification. If the permittee does not request a hearing within fifteen (15) days of receipt of the bond forfeiture notification, the Department shall issue a final administrative decision ordering forfeiture. The Department's final administrative decision ordering bond forfeiture shall be transmitted to the Attorney General for collection at the expiration of the time to perfect administrative review pursuant to

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subsection (1).

b) Bond forfeiture hearings shall be held at the Department's Springfield, Illinois office.

c) Any party to the hearing may request that a pre-hearing conference be scheduled, in accordance with 62 Ill. Adm. Code 1848.7.

d) Notice of hearing. All parties shall be given written notice of the hearing in accordance with 62 Ill. Adm. Code 1848.5 at least five (5) working days prior thereto. Notice of the hearing shall also be posted at the Department's offices.

e) Settlement agreement. If a settlement agreement is entered into at any stage of the hearing process, the person to whom the bond forfeiture notification was issued, will be deemed to have waived all right to further review of the bond forfeiture notification, except as otherwise expressly provided for in the settlement agreement. The settlement agreement shall contain a waiver clause to this effect.

f) Summary disposition. Where the person to whom the bond forfeiture notification was issued fails to appear at the hearing, that person will be deemed to have waived his right to a hearing, and the hearing officer may assume the truth of any facts alleged in the bond forfeiture notification.

g) Burden of proof. In bond forfeiture proceedings the Department shall have the burden of going forward to establish a prima facie case for bond forfeiture. The ultimate burden of persuasion that the bond should not be forfeited shall rest with the permittee.

h) Record of hearing. A complete record of the hearing and all testimony shall be made by the Department and recorded stenographically. Such record shall be maintained and shall be available to the public until at least sixty (60) days after the Director's decision referred to in subsection (k) is issued.

i) Within thirty (30) days after the close of the record for the bond forfeiture hearing, the hearing officer shall issue and serve, by certified mail, each party who participated in the hearing with a proposed decision consisting of proposed written findings of fact, conclusions of law and an order adjudicating the bond forfeiture determination.

j) Within fifteen (15) days after service of the hearing officer's proposed decision, each party to the hearing may file with the Director written exceptions to the hearing officer's proposed decision, stating how and why such decision should be modified or vacated. All parties shall have fifteen (15) days after service of written exceptions to file a response thereto with the Director. Failure to file written exceptions or a response thereto is not a failure to exhaust administrative remedies and does not affect a party's right to judicial review.

k) If no written exceptions are filed, the hearing officer's proposed decision shall become final fifteen (15) days after service of such decision. If written exceptions are filed, the Director shall within fifteen (15) days following the time for filing a response thereto either issue the Department's final administrative decision affirming

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or modifying the hearing officer's decision, or shall vacate the hearing officer's decision and remand the proceeding to the hearing officer for further action.

- 1) The Department's final administrative decision may be appealed in accordance with the Administrative Review Law (Ill. Rev. Stat. 1991, ch. 110, pars. 3-101 through 3-112) [735 ILCS 5/3].

Section 1847.8 Individual Civil Penalty Hearings

- a) Scope. These regulations govern administrative review of proposed individual civil penalty assessments under Section 8.04(f) of the State Act against a director, officer or agent of a corporation. An individual served a notice of proposed individual civil penalty assessment under 62 Ill. Adm. Code 1846 may file a petition for review with the Department in accordance with this Section.
- b) Time for filing.

- 1) A petition for review of a notice of proposed individual civil penalty assessment must be filed within thirty (30) days of its service on the individual.

- 2) No extension of time will be granted for filing a petition for review of a notice of proposed individual civil penalty assessment. Failure to file a petition for review within the time period provided in subsection (b)(1) shall be deemed an admission of liability by the individual and the notice of proposed assessment shall become a final administrative decision of the Department.

- c) Contents of petition. An individual filing a petition for review of a notice of proposed individual civil penalty assessment shall provide a concise statement of the facts entitling the individual to relief.

- d) Any party to the hearing may request that a pre-hearing conference be scheduled, in accordance with 62 Ill. Adm. Code 1848.7.

- e) Notice of hearing. The hearing officer shall give notice of the hearing in accordance with 62 Ill. Adm. Code 1848.5 to all interested parties at least five (5) working days prior thereto.

- f) Settlement agreement. If a settlement agreement is entered into at any stage of the hearing process, the person against whom the individual civil penalty was proposed to be assessed will be deemed to have waived all right to further review of the proposed assessment, except as otherwise expressly provided for in the settlement agreement. The settlement agreement shall contain a waiver clause to this effect.

- g) Summary disposition. Where the person against whom the individual civil penalty was proposed to be assessed fails to appear at the hearing, that person will be deemed to have waived his right to a hearing and the hearing officer may assume the truth of any facts alleged in the notice of proposed individual penalty assessment.

- h) Record of hearing. A complete record of the hearing and all testimony shall be made by the Department and recorded stenographically. Such record shall be maintained and shall be available to the public until

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at least sixty (60) days after the Director's decision referred to in subsection (1) is issued.

- i) Elements; burdens of proof.

1) The Department shall have the burden of going forward with evidence to establish a prima facie case that the individual was a corporate director, officer or agent of a corporate permittee who knowingly and willfully authorized, ordered or carried out a violation, failure or refusal under 62 Ill. Adm. Code 1846. A showing that the Department served the individual with a notice of proposed individual civil penalty assessment in accordance with 62 Ill. Adm. Code 1846.17, that at the time of such service the individual was a director, officer or agent of the corporate permittee and that a violation that was the subject of the cessation order issued to the corporate permittee has not been abated is sufficient to establish the Department's prima facie case.

- 2) The individual shall have the ultimate burden of persuasion by a preponderance of the evidence as to the elements set forth in subsection (i)(1).

- j) Within thirty (30) days after the close of the record, the hearing officer shall issue and serve, by certified mail, each party who participated in the hearing with a proposed decision consisting of proposed written findings of fact, conclusions of law on each of the elements set forth in subsection (i)(1) and an order adjudicating the hearing request.

- k) Within fifteen (15) days after service of the hearing officer's proposed decision, each party to the hearing may file with the Director written exceptions to the hearing officer's proposed decision, stating how and why such decision should be modified or vacated. All parties shall have fifteen (15) days after service of written exceptions to file a response thereto with the Director. Failure to file written exceptions or a response thereto is not a failure to exhaust administrative remedies and does not affect a party's right to judicial review.

- l) If no written exceptions are filed, the hearing officer's proposed decision shall become final fifteen (15) days after service of such decision. If written exceptions are filed, the Director shall within fifteen (15) days following the time for filing a response thereto either issue the Department's final administrative decision affirming or modifying the hearing officer's decision or shall vacate the hearing officer's decision and remand the proceeding to the hearing officer for further action.

- m) Judicial review. The Department's final administrative decision shall be appealed in accordance with the Administrative Review Law (Ill. Rev. Stat. 1991, ch. 110, pars. 3-101 through 3-112) [735 ILCS 5/3].

Section 1847.9 Bond Release Hearings

- a) A hearing requested pursuant to 62 Ill. Adm. Code 1800.40(e) shall be

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- b) held within thirty (30) days after receipt of the request for hearing. Bond release hearings shall be held in the locality of the surface coal mining operation from which bond release is sought, at the location of the Department's office, or at the State capital, at the option of the objector.
- c) Any party to the hearing may request that a pre-hearing conference be scheduled, in accordance with 62 Ill. Adm. Code 1848.7.
- d) Notice of hearing. All parties shall be given written notice of the hearing in accordance with 62 Ill. Adm. Code 1848.5 at least five (5) working days prior thereto. The Department shall advertise the date, time and location of the hearing in a newspaper of general circulation in the locality of the surface coal mining operation for two (2) consecutive weeks.
- e) Settlement agreement. If a settlement agreement is entered into at any stage of the hearing process, the person with whom the settlement is reached will be deemed to have waived all right to further review of the proposed bond release, except as otherwise expressly provided for in the settlement agreement. The settlement agreement shall contain a waiver clause to this effect.
- f) Summary disposition. Where the person who requested the hearing fails to appear at the hearing, that person will be deemed to have waived his right to a hearing.
- g) Burden of proof. The party seeking to reverse the Department's proposed release of bond shall have the burden of proving that the Department's decision was clearly erroneous.
- h) Record of hearing. A complete record of the hearing and all testimony shall be made by the Department and recorded stenographically. Such record shall be maintained and shall be available to the public until at least sixty (60) days after the Director's decision referred to in subsection (k) is issued.
- i) Within thirty (30) days after the close of the record for the bond release hearing, the hearing officer shall issue and serve, by certified mail, each party who participated in the hearing with a proposed decision consisting of proposed written findings of fact, conclusions of law and an order adjudicating the hearing request.
- j) Within fifteen (15) days after service of the hearing officer's proposed decision, each party to the hearing may file with the Director written exceptions to the hearing officer's proposed decision, stating how and why such decision should be modified or vacated. All parties shall have fifteen (15) days after service of written exceptions to file a response thereto with the Director. Failure to file written exceptions or a response thereto is not a failure to exhaust administrative remedies and does not affect a party's right to judicial review.
- k) If no written exceptions are filed, the hearing officer's proposed decision shall become final fifteen (15) days after service of such decision. If written exceptions are filed, the Director shall within fifteen (15) days following the time for filing a response thereto either issue the Department's final administrative decision affirming

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or modifying the hearing officer's decision, or shall vacate the hearing officer's decision and remand the proceeding to the hearing officer for further action.

- 1) The Department's final administrative decision may be appealed in accordance with the Administrative Review Law (Ill. Rev. Stat. 1991, ch. 110, pars. 3-101 through 3-112) [735 ILCS 5/3].

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NOTICE OF ADOPTED REPEALER

- 1) The Heading of the Part: Administrative and Judicial Review of Decisions

- 2) Code Citation: 62 Ill. Adm. Code 1775

- 3) Section Numbers: Adopted Action:

1775.1 Repealed
1775.11 Repealed
1775.13 Repealed

- 4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (225 ILCS 720) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

- 5) Effective Date of Repealer: July 1, 1993

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No

- 8) Date filed in agency's principal office: July 1, 1993

- 9) Date Notice of Proposed Repealer published in Illinois Register:

July 10, 1992; 16 Ill. Reg. 10590

- 10) Has JCAR issued a Statement of Objections to this rulemaking? No

- 11) Changes made between proposed and adopted versions:

No changes were made between proposed and final repealer.

- 12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency?

No formal agreements between the Department and JCAR were necessary to resolve Committee questions.

- 13) Will this rule replace an emergency rule currently in effect? No

- 14) Are there any proposed amendments pending on this Part? No

- 15) Summary and purpose of repealer:

Repealed Part 1775 set forth requirements and procedures for

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administrative and judicial review of Department decisions. It has been repealed due to the Department's reorganization of its hearing rules in this rulemaking. Substantively, the bulk of repealed Part 1775 has been incorporated into new Part 1847, which sets forth requirements and procedures for administrative and judicial review of Departmental actions.

- 16) Information and questions regarding this Repealer shall be directed to:

Name: Fred Bowman, Supervisor

Address: Land Reclamation Division
Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10197
Springfield, Illinois 62791-0197

Telephone: (217) 782-4970

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NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Areas Designated by Act of Congress
- 2) Code Citation: 62 Ill. Adm. Code 1761
- 3) Section Numbers:
- | | |
|---------|---------|
| 1761.11 | Amended |
| 1761.12 | Amended |
- 4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (225 ILCS 720) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).
- 5) Effective Date of Amendments: July 1, 1993
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No
- 8) Date filed in agency's principal office: July 1, 1993
- 9) Date Notice of Proposed Amendments published in Illinois Register:
- July 10, 1992; 16 Ill. Reg. 10596
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Changes made between proposed and adopted versions:
- The following changes were made based upon comments received:
- Proposed Section 1761.5 has been withdrawn and is not being adopted. The proposed deletion of Section 1761.11(h) has been withdrawn. Proposed Section 1761.12(b) has been withdrawn, and the alphabetical subsections therefore revised accordingly.
- 12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency?
- No formal agreements between the Department and JCAR were necessary to resolve Committee questions.
- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any proposed amendments pending on this Part? No

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- 15) Summary and purpose of amendments:

Section 1761.11 sets forth areas where mining is prohibited or limited. The amendment to subsection (g) makes the rule consistent with its federal counterpart and codifies Department practice.

Section 1761.12 sets forth procedures for implementing the limitations and prohibitions of Section 1761.11. The amendment to subsections (b) and (c) add clarity to the rule. The amendment to subsection (b)(2) makes clear that valid existing rights (VER) is not something that is requested, but rather an assertion by the operator that it has the right to conduct mining within a prohibited area. The amendment to subsection (c) clarifies the applicability of the subsection--that it contains procedures for those cases where the applicant does not have VER. The amendment to subsection (c)(4) clarifies that the road authority does not make any determination for mining activity within 100 feet of a road. "Affected" is also moved to modify both "public" and "landowners", rather than just "landowners". A subsection heading has been added at (d)(3). The Code citation in subsection (g) has been amended to reflect the Department's reorganization of its hearing rules in this rulemaking.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Fred Bowman, Supervisor

Address: Land Reclamation Division
Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10197
Springfield, Illinois 62791-0197

Telephone: (217) 782-4970

The full text of Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENT(S)

TITLE 62: MINING
CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 1761
AREAS DESIGNATED BY ACT OF CONGRESS

Section

1761.1 Scope

1761.11 Areas Where Mining is Prohibited or Limited
1761.12 Procedures

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.) [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 4933; amended at 11 Ill. Reg. 7976, effective July 1, 1987; amended at 14 Ill. Reg. 11777, effective January 1, 1991; amended at 15 Ill. Reg. 17115, effective January 1, 1992; amended at 17 Ill. Reg. 10909, effective July 1, 1993.

Section 1761.11 Areas Where Mining is Prohibited or Limited

Subject to valid existing rights, no surface coal mining operations shall be conducted after August 3, 1977, unless those operations existed on the date of enactment:

- a) On any lands within the boundaries of the National Park System, the National Wildlife Refuge System, the National System of Trails, the National Wilderness Preservation System, the Wild and Scenic Rivers System, including study rivers designated under section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) or study rivers or study river corridors as established in guidelines pursuant to that Act published at 47 FR 39454 (September 7, 1982), and National Recreation Areas designated by Act of Congress. The guidelines at 47 FR 39454 do not include any subsequent editions or amendments;
- b) On any Federal lands within the boundaries of any national forest; provided, however, that surface coal mining operations may be permitted on such lands, if the Secretary of the United States Department of the Interior (Secretary) finds that there are no significant recreational, timber, economic, or other values which may be incompatible with surface coal mining operations; and surface operations and impacts are incident to an underground coal mine;
- c) On any lands which will adversely affect any publicly owned park or any places included on the National Register of Historic Places, unless approved jointly by the Department and the Federal, State or local agency with jurisdiction over the park or places;
- d) Within one hundred (100) feet measured horizontally of the outside right-of-way line of any public road, except:
 - 1) Where mine access roads or haulage roads join such right of way

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lines; or

- 2) Where the Illinois Department of Mines and Minerals (Department) and the public road authority with jurisdiction over the road under Illinois law allows the public road to be relocated, closed, or where the Department allows the area affected, including surface areas impacted by planned subsidence, to be within one hundred (100) feet of such road, after:
 - A) Public notice and opportunity for a public hearing in accordance with Section 1761.12(c); and
 - B) Making a written finding that the interests of the affected public and landowners will be protected;

- e) Within three hundred (300) feet measured horizontally, from any occupied dwelling in existence, under construction, or contracted for at the time of public notice, except when:
 - 1) The owner thereof has provided a written waiver consenting to surface coal mining operations closer than three hundred (300) feet; or

- 2) The part of the mining operation which is within three hundred (300) feet of the dwelling is a haul road or access road which connects with an existing public road on the side of the public road opposite the dwelling;

- f) Within three hundred (300) feet measured horizontally of any public building, school, church, community or institutional building, or public park; or

- g) Within one hundred (100) feet measured horizontally of a cemetery. Cemeteries may be relocated if authorized by applicable State law or regulations.

- h) There will be no surface coal mining, permitting, licensing or exploration of Federal lands in the National Park System, National Wildlife Refuge System, National System of Trails, National Wilderness Preservation System, Wild and Scenic Rivers System, or National Recreation Areas, unless called for by Acts of Congress.

(Source: Amended at 17 Ill. Reg. 10909, effective July 1, 1993)

Section 1761.12 Procedures

- a) Upon receipt of a complete application for a surface coal mining and reclamation operation permit, the Department shall review the application to determine whether surface coal mining operations are limited or prohibited under Section 1761.11 on the lands which would be disturbed by the proposed operations.
- b) Federal recreational systems; public buildings; cemeteries
 - 1) Where the proposed operation would be located on any lands listed in Section 1761.11(a), (f) or (g), the Department shall reject the application if the applicant has no valid existing rights for the area or if the operation did not exist on August 3, 1977.
 - 2) If the Department is unable to determine whether the proposed

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operation is located within the boundaries of any of the lands in Section 1761.11(a) or closer than the limits provided in Section 1761.11(f) and (g), the Department shall transmit a copy of the relevant portions of the permit application to the appropriate Federal, State, or local government agency for a determination or clarification of the relevant boundaries or distances, with a notice to the appropriate agency that it must respond within thirty (30) days of receipt of the request. The National Park Service or the U.S. Fish and Wildlife Service shall be notified of any request for a determination of valid existing rights claim of valid existing rights (VER) pertaining to areas within the boundaries of areas under their jurisdiction and shall have thirty (30) days from receipt of the notification in which to respond. The Department, upon request by the appropriate agency, shall grant an extension to the 30-day period of an additional thirty (30) days. If no response is received within 30-day period or within the extended period granted, the Department may make the necessary determination based on the information it has available.

c) Where the proposed mining operation is proposed to be conducted within one hundred (100) feet measured horizontally of the outside right-of-way line of any public road (except as provided in Section 1761.11(d)(2)) and the applicant does not have VER, or where the applicant proposes to relocate or close any public road, the Department shall:

- 1) Require the applicant to obtain necessary approvals of the authority with jurisdiction over the public road for relocation or closure of a public road;
- 2) Provide public notice in a newspaper of general circulation of the affected locale of an opportunity for a public hearing in the locality of the proposed mining operation for the purpose of determining whether the interests of the public and affected landowners will be protected. Any person with an interest which is or may be adversely affected by the proposed mining operation may request in writing that the Department hold a public hearing. Such request shall be submitted to the Department within fourteen (14) days after the newspaper notice required by this subsection;
- 3) If a public hearing is requested, provide appropriate advance notice of the public hearing, to be published in a newspaper of general circulation in the affected locale at least two (2) weeks prior to the hearing; and
- 4) Make a written finding based upon information received at the public hearing within thirty (30) days after completion of the hearing, or after any public comment period ends if no hearing is held, as to whether the interests of the affected public and affected landowners will be protected from the proposed mining operations. No mining shall be allowed within one hundred (100) feet of the outside right-of-way line of a road, ~~nor may a road be relocated or closed~~, unless the Department and ~~public~~ road

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authority determines that the interests of the affected public and affected landowners will be protected.

- d) Occupied dwellings
- 1) Absent VER, where the proposed surface coal mining operations would be conducted within three hundred (300) feet, measured horizontally, of any occupied dwelling, the permit applicant shall submit with the application a written waiver by lease, deed or other conveyance from the owner of the dwelling, clarifying that the owner and signatory had the legal right to deny mining and knowingly waived that right. The waiver shall act as consent to such operations within a closer distance of the dwelling as specified.
 - 2) Where the applicant for a permit after August 3, 1977, had obtained a valid waiver prior to August 3, 1977, from the owner of an occupied dwelling to mine within three hundred (300) feet of such dwelling, a new waiver shall not be required.
- 3) Effect of waiver

- A) Where the applicant for a permit after August 3, 1977, had obtained a valid waiver from the owner of an occupied dwelling, that waiver shall remain effective against subsequent purchasers who had actual or constructive knowledge of the existing waiver at the time of purchase.
- B) A subsequent purchaser shall be deemed to have constructive knowledge if the waiver has been properly filed in public property records pursuant to State laws or if the mining has proceeded to within the three hundred (300) foot limit prior to the date of purchase.

e) Publicly owned parks; places included in the National Register of Historic Places

- 1) Where the Department determines that the proposed surface coal mining operation will adversely affect any publicly owned park or any place included in the National Register of Historic Places, the Department shall transmit to the Federal, State, or local agencies with jurisdiction over the publicly owned park or National Register place a copy of applicable parts of the permit application together with a request for that agency's approval or disapproval of the operation, and a notice to that agency that it has thirty (30) days from receipt of the request within which to respond and that failure to interpose a timely objection will constitute approval. The Department, upon request by the appropriate agency, may grant an extension to the 30-day period of an additional thirty (30) days. Failure to interpose an objection within thirty (30) days of the extended period granted shall constitute an approval of the proposed permit.

2) A permit for the operation shall not be issued unless jointly approved by all affected agencies.

f) If the Department determines that the proposed surface coal mining operation is not prohibited under Section 7.01 of the State Act and this Part, it may nevertheless, pursuant to appropriate petitions,

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1) The Heading of the Part: Bonding and Insurance Requirements for Surface Coal Mining and Reclamation Operations

2) Code Citation: 62 Ill. Adm. Code 1800

3) Section Numbers: Adopted Action:

1800.11 Amended
1800.40 Amended
1800.50 Amended

4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (225 ILCS 720) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

5) Effective Date of Amendments: July 1, 1993

6) Does this rulemaking contain an automatic repeal date? No

7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No

8) Date filed in agency's principal office: July 1, 1993

9) Date Notice of Proposed Amendments published in Illinois Register:

July 10, 1992; 16 Ill. Reg. 10607

10) Has JCAR issued a Statement of Objections to this rulemaking? No

11) Changes made between proposed and adopted versions:

Proposed Sections 1800.11(a)(2) and 1800.50(g) were withdrawn and are not being adopted. Stylistic changes were made in response to comments received from the Administrative Code Division and JCAR.

12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency?

No formal agreements between the Department and JCAR were necessary to resolve Committee questions.

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any proposed amendments pending on this Part? No

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designate such lands as unsuitable for all or certain types of surface coal mining operations pursuant to 62 Ill. Adm. Code 1762 or 1764.

- g) A determination by the Department that a person holds or does not hold a valid existing right or that surface coal mining operations did or did not exist on the date of enactment shall be subject to administrative and judicial review under 62 Ill. Adm. Code ~~1775.11~~ 1847.3 ~~and~~.

(Source: Amended at 17 Ill. Reg. 10909, effective July 1, 1993)

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15) Summary and purpose of amendments:

The Department identified rules that should be amended in order to more effectively carry out its statutory mandate.

Section 1800.11 sets forth requirements for the filing of a performance bond. Subsection (a) is amended to clarify that failure to file a performance bond within one year of the Department's issuance of written findings approving a permit application will result in the expiration of those findings. The revision is intended to eliminate situations where permits are issued based upon outdated written findings. A heading has been added at subsection (b).

Section 1800.40 sets forth requirements for the release of performance bonds. In order to be consistent with its federal counterpart, subsection (a)(3) is amended to require that the permittee include in the application for bond release a certified statement that all statutory and regulatory requirements have been met. Subsections (e) through (h) are amended to reflect the Department's reorganization of its hearing rules in this rulemaking.

Section 1800.50 sets forth requirements for the forfeiture of bonds. The revisions to subsections (c)(2) through (5) are necessary due to the Department's reorganization of its hearing rules in this rulemaking. Substantively, the bulk of subsections (c)(2) through (5) have been incorporated into new Part 1847. A heading has been added at subsection (e). Stylistic changes were made in response to comments received from the Administrative Code Division.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Fred Bowman, Supervisor

Address: Land Reclamation Division
Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10197
Springfield, Illinois 62791-0197

Telephone: (217) 782-4970

The full text of Adopted Amendments begins on the next page:

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 62: MINING

CHAPTER 1: DEPARTMENT OF MINES AND MINERALS

PART 1800

BONDING AND INSURANCE REQUIREMENTS FOR
SURFACE COAL MINING AND RECLAMATION OPERATIONS

Section	Scope and Purpose
1800.1	Objective (Repealed)
1800.2	Department Responsibilities
1800.4	Definitions
1800.5	Requirement to File a Bond
1800.11	Form of the Performance Bond
1800.12	Period of Liability
1800.13	Determination of Bond Amount
1800.14	Adjustment of Amount
1800.15	General Terms and Conditions of Bond
1800.16	Bonding Requirements for Underground Coal Mines and Long-Term Coal-Related Surface Facilities and Structures
1800.17	Surety Bonds
1800.20	Collateral Bonds
1800.21	Replacement of Bonds
1800.30	Requirement to Release Performance Bonds
1800.40	Forfeiture of Bonds
1800.50	Terms and Conditions for Liability Insurance

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.) [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 9354; amended at 11 Ill. Reg. 7985, effective July 1, 1987; amended at 14 Ill. Reg. 11785, effective January 1, 1991; amended at 17 Ill. Reg. 10916 _____, effective July 1, 1993.

Section 1800.11 Requirement to File a Bond

- a) After a permit application under 62 Ill. Adm. Code 1772 through 1785 has been approved, but before a permit is issued, the applicant shall file with the Department, on a form provided by the Department a bond or bonds for performance made payable to the Department and conditioned upon the faithful performance of all the requirements of the State Act, 62 Ill. Adm. Code 1700 - 1850, the permit and the reclamation plan. Failure to file a performance bond or other equivalent guarantee in accordance with this Section within one (1) year after the issuance of the Department's written findings approving a permit application under 62 Ill. Adm. Code 1773.15(c) shall result

in the expiration of the Department's written findings approving the permit application.
Bond coverage.

- b) 1) The bonds or bonds shall cover the entire permit area, or an identified increment of land within the permit area upon which the operator will initiate and conduct surface coal mining operations during the initial term of the permit.
- 2) As surface coal mining and reclamation operations on succeeding increments are initiated and conducted within the permit area, the permittee shall file with the Department an additional bond or bonds to cover such increments in accordance with this Section.
- 3) The operator shall identify the initial and successive areas or increments for bonding on the permit application map submitted for approval as provided in the application (under 62 Ill. Adm. Code 1780 and 1784), and shall specify the bond amount to be provided for each area or increment.
- 4) Independent increments shall be of sufficient size and configuration to provide for efficient reclamation operations should reclamation by the Department become necessary pursuant to Section 1800.50.
- c) An operator shall not disturb any surface areas, succeeding increments or extend any underground shafts, tunnels, or operations prior to acceptance by the Department of the required performance bond.
- d) The applicant shall file, with the approval of the Department, a bond or bonds under one of the following schemes to cover the bond amounts for the permit area as determined in accordance with Section 1800.14:
 - 1) A performance bond or bonds for the entire permit area;
 - 2) A cumulative bond schedule and the performance bond required for the full reclamation of the initial area to be disturbed; or
 - 3) An incremental bond schedule and the performance bond required for the first increment in the schedule.

(Source: Amended at 17 Ill. Reg. 10916, effective July 1, 1993)

Section 1800.40 Requirement to Release Performance Bonds

- a) Bond release application.
 - 1) The permittee may file an application with the Department for the release of all or part of a performance bond at any time.
 - 2) Within thirty (30) days after an application for bond release has been filed with the Department, the operator shall submit a copy of an advertisement placed at least once a week for four (4) successive weeks in a newspaper of general circulation in the locality of the surface coal mining operation. The advertisement shall be considered part of any bond release application and shall contain the permit number and approval date, notification of the precise location of the land affected, the number

acres, the type and amount of the bond filed and the portion sought to be released, the type and appropriate dates of reclamation work performed, a description of the results achieved as they relate to the operator's approved reclamation plan, and the name and address of the Department to which written comments, objections, or requests for public hearings on the specific bond release may be submitted pursuant to subsection (e). In addition, as part of any bond release application, the applicant shall submit copies of letters which he or she has sent to adjoining property owners, local governmental bodies, planning agencies, sewage and water treatment authorities, and water companies in the locality in which the surface coal mining and reclamation operation took place, notifying them of the intention to seek release from the bond. The operator shall submit a certification of publication for such advertisement prior to the Department's final administrative decision releasing bond.

- 3) The permittee shall include in the application for bond release a notarized statement which certifies that all applicable reclamation activities have been accomplished in accordance with the requirements of the State Act, the regulatory program and the approved reclamation plan. Such certification shall be submitted for each application or phase of bond release.

b) Inspection by Department.

- 1) Upon filing of the bond release application, the Department shall, within thirty (30) days, or as soon thereafter as weather conditions permit, conduct an inspection and evaluation of the reclamation work involved. The evaluation shall consider, among other factors, the degree of difficulty to complete any remaining reclamation, whether pollution of surface and subsurface water is occurring, the probability of future occurrence of such pollution, and the estimated cost of abating such pollution. The surface owner, agent, or lessee shall be given notice of such inspection and may participate with the Department in making the bond release inspection. The Department may arrange with the permittee to allow access to the permit area, upon request by any person with an interest in bond release, for the purpose of gathering information relevant to the proceeding.
- 2) Within sixty (60) days from the filing of the bond release application, if no public hearing is held pursuant to subsection (e), or, within thirty (30) days after a public hearing has been held pursuant to subsection (e), the Department shall serve, by certified mail, the permittee, the municipality and county in which the surface coal mining operation is located, the surety, or other persons with an interest in bond collateral who have requested notification under Section 1800.21(e), and the persons who either filed objections in writing or objectors who were a party to the hearing proceedings, if any, its final administrative decision to release or not to release all or part of the performance bond.

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c) The Department may release all or part of the bond for the entire permit area or incremental area if the Department is satisfied that all the reclamation or a phase of the reclamation covered by the bond or portion thereof has been accomplished in accordance with the following schedules for reclamation of Phases I, II, and III:

- 1) At the completion of Phase I, after the operator completes the backfilling, regrading (which includes the replacement of topsoil) and drainage control of a bonded area in accordance with the approved reclamation plan, sixty (60) percent of the bond or collateral for the applicable area.
- 2) At the completion of Phase II, after revegetation has been established on the regraded mined lands in accordance with the approved reclamation plan, an additional amount of bond. When determining the amount of bond to be released after successful revegetation has been established, the Department shall retain that amount of bond for the revegetated area which would be sufficient to cover the cost of reestablishing revegetation if completed by a third party and for the period specified for operator responsibility in Section 6.08(d)(2) of the State Act for reestablishing revegetation. No part of the bond or deposit shall be released under subsection (c)(2) so long as the lands to which the release would be applicable are contributing suspended solids to streamflow or runoff outside the permit area in excess of the requirements set by Section 3.10 of the State Act and by 62 Ill. Adm. Code 1816 or 1817 or until soil productivity for prime farmland has returned to the equivalent levels of yield as nonmined land of the same soil type in the surrounding area under equivalent management practices as determined from the soil survey performed pursuant to Section 2.02(a) of the State Act and 62 Ill. Adm. Code 1823. Where a silt dam is to be retained as a permanent impoundment pursuant to 62 Ill. Adm. Code 1816 or 1817, the Phase II portion of the bond may be released under this subsection so long as provisions for sound future maintenance by the operator or the landowner have been made with the Department.
- 3) At the completion of Phase III, after the operator has completed successfully all surface coal mining and reclamation activities, the release of the remaining portion of the bond, but not before the expiration of the period specified for operator responsibility in 62 Ill. Adm. Code 1816.116 or 1817.116. However, no bond shall be fully released under this subsection ~~(c)(3)~~ until the reclamation requirements of the State Act and the permit are fully met.
- d) If the Department disapproves the application for release of the bond or portion thereof, the Department shall notify the permittee, the surety, and any person with an interest in collateral as provided for in Section 1800.21(e), in writing, stating the reasons for disapproval and recommending corrective actions necessary to secure the release and allowing an opportunity for a public hearing, pursuant to subsection (e) below.

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- e) Any person with a valid legal interest which might be adversely affected by release of the bond, or the responsible officer or head of any Federal, State, or local governmental agency which has jurisdiction by law or special expertise with respect to any environmental, social, or economic impact involved in the operation or which is authorized to develop and enforce environmental standards with respect to such operations, shall have the right to file written objections to the proposed release from bond with the Department within thirty (30) days after the last publication of the notice required by subsection (a)(2). If written objections are filed and a hearing is requested, the hearing shall be held in accordance with 62 Ill. Adm. Code 1817.2. ~~The Department shall inform all the interested parties of the time and place of the hearing, and shall hold a public hearing within thirty (30) days after receipt of the request for the hearing.~~ ~~The date, time, and location of the public hearing shall be advertised by the Department in a newspaper of general circulation in the locality for two (2) consecutive weeks.~~ ~~The public hearing shall be held in the locality of the surface coal mining operation from which bond release is sought, at the location of the Department's office, or at the State Capitol at the option of the objector.~~ ~~The hearing officer shall be an employee of the Department or a licensed attorney.~~
 - f) ~~For the purpose of the hearing under subsection (e), the Department shall have the authority to administer oaths and affirmations; subpoena witnesses and written or printed materials; compel the attendance of witnesses or the production of these materials; and take evidence including, but not limited to, inspection of the land affected and other surface coal mining operations carried on by the applicant in the general vicinity. All discovery shall be conducted in accordance with 62 Ill. Adm. Code 1843.21. A verbatim record of each public hearing shall be made, and a transcript shall be made available on request of any party or by order of the Department, ex parte contacts between the parties, and their representatives, and the hearing officer are prohibited.~~
 - g) ~~Within thirty (30) days after the close of the hearing record, the hearing officer shall issue and serve the Department, and by certified mail, the permittee and any objectors to, a bond release with written findings of fact, conclusions of law and an order adjudicating the application for bond release. Service of this final administrative action shall be deemed complete upon mailing.~~
 - h) ~~Judicial review. Following service of the final administrative decision of the Department under subsections (b)(2) and (g), the permittee or any affected person may request judicial review of that decision in accordance with the Administrative Review Law (Ill. Rev. Stat. 1985, ch. 110, pars. 3-10 et seq.).~~

(Source: Amended at 17 Ill. Reg. 10916, effective July 1, 1993)

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Section 1800.50 Forfeiture of Bonds

a) If a permittee refuses or is unable to conduct reclamation of an unabated violation due to bankruptcy, insolvency, creditor attachment of equipment or to the collateral supporting the performance bond being repledged, if the terms of the permit are not met, or if the permittee defaults on the conditions under which the bond was accepted, the Department shall take the following action to forfeit all or part of a bond or bonds for any permit area or an increment of a permit area:

1) Send written notification by certified mail, return receipt requested, to the permittee and the surety on the bond, if any, informing them of the determination to forfeit all or part of the bond, including the reasons for the forfeiture and the amount to be forfeited.

2) The amount shall be based on the estimated total cost of achieving the reclamation plan requirements.

b) Prior to the bond forfeiture notification under subsection (a)(1) above, the Department shall advise the permittee and surety, if applicable, of the conditions under which forfeiture may be avoided. Such conditions include, but are not limited to:

1) Agreement by the permittee or another party to perform reclamation operations in accordance with a compliance schedule which meets the conditions of the permit, the reclamation plan, and the regulatory program and a demonstration that such party has the ability to satisfy the conditions; or

2) The Department may allow a surety to complete the reclamation plan, or the portion of the reclamation plan applicable to the bonded phase or increment, if the surety can demonstrate an ability to complete the reclamation in accordance with the approved reclamation plan. Except where the Department may approve partial release authorized under Section 1800.40, no surety liability shall be released until successful completion of all reclamation under the terms of the permit, including the applicable liability periods of Section 1800.13.

c) In the event forfeiture of the bond is required by subsection (a) above, the Attorney General, on request of the Department, shall file suit to collect any unpaid, forfeited bonds pursuant to Section 6.07 of the State Act.

1) Before making a request to the Attorney General to collect the forfeited bonds, or before presenting the collateral bond for collection, the Department shall afford the permittee the right to a hearing to be held not less than thirty (30) days after the permittee's receipt of the bond forfeiture notification under subsection (a)(1).

2) The Department shall hold the hearing provided in subsection (c)(1) in accordance with the procedures set forth in 62 Ill. Adm. Code 1847.7 if requested by the permittee within fifteen (15) days of receipt of the bond forfeiture notification under

subsection (c)(1). An impartial hearing officer not employed by the Department will preside over the bond forfeiture hearing. If the permittee does not request a hearing within fifteen (15) days of receipt of the bond forfeiture notification, the Department shall issue a final administrative decision ordering forfeiture. The Department's final administrative decision ordering bond forfeiture shall be transmitted to the Attorney General for collection at the expiration of the time to perfect administrative review under subsection (c)(1).

3) At the bond forfeiture hearing, the Department shall present evidence in support of its determination under subsection (a)(1). The permittee shall present evidence contesting the Department's determination under subsection (a)(1). The hearing officer may administer oaths and affirmations, subpoena witnesses and written or printed materials, compel attendance of witnesses, or production of those materials, compel discovery, and take evidence including, but not limited to, site inspections of the land affected by the surface coal mining and reclamation operation under forfeiture. All discovery shall be conducted in accordance with 62 Ill. Adm. Code 1043.21.

4) Within thirty (30) days after the close of the record for the bond forfeiture hearing, the hearing officer shall issue and serve by certified mail the permittee and the Department with written findings of fact, conclusions of law and an order adjudicating the bond forfeiture determination under subsection (c)(1).

5) The Department's final administrative decision under subsection (c)(2) and (c)(4) may be appealed in accordance with Article III of the Code of Civil Procedure (Ill. Rev. Stat. 1989, ch. 110, pars. 3-101 through 3-112).

d) The Department shall use funds collected from bond forfeiture to complete the reclamation plan, or portion thereof, on the permit area or increment and to cover associated administrative expenses to which bond coverage applies. Unless specifically limited, as provided in Section 1800.11(b), bond liability shall extend to the entire permit area under forfeiture.

e) Reclamation Costs.

1) In the event the estimated amount forfeited is insufficient to pay for the full cost of reclamation, the operator shall be liable for remaining costs. The Department may complete, or authorize completion of, reclamation of the bonded area and may recover from the operator all costs of reclamation in excess of the amount forfeited.

2) In the event the amount of performance bond forfeited was more than the amount necessary to complete reclamation, the unused funds shall be returned by the Department to the party from whom they were collected.

f) No permittee who has forfeited any bond shall be issued a permit from the Department for surface coal mining and reclamation operations

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unless the permit applicant provides the following assurances to the Department that such proceedings will not again become necessary:

- 1) The permit applicant submits a cash bond or certificate of deposit for the proposed permit area, pursuant to Section 1800.11.
- 2) The officers, directors, ten percent (10%) or greater shareholders of the permit applicant, if a corporation, agree to be held personally liable for violations of the State Act caused by the permittee.
- 3) The permit applicant has compensated the entity that completed reclamation of the permit area for all costs attributable to bond forfeiture.
- 4) All prior violations of the State Act attributable to the permit applicant have been corrected, including payments of all outstanding civil penalties.

(Source: Amended at 17 Ill. Reg. 10916, effective July 1, 1993)

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- 1) The Heading of the Part: Civil Penalties
- 2) Code Citation: 62 Ill. Adm. Code 1845
- 3) Section Numbers:

1845.12	<u>Adopted Action:</u>
1845.13	Amended
1845.17	Amended
1845.18	Amended
1845.19	Repealed
1845.20	Amended
- 4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (225 ILCS 720) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).
- 5) Effective Date of Amendments: July 1, 1993
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No
- 8) Date filed in agency's principal office: July 1, 1993
- 9) Date Notice of Proposed Amendments published in Illinois Register: July 10, 1992; 16 Ill. Reg. 10619
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Changes made between proposed and adopted versions:

In response to comments, Sections 1845.12(c) and (d) were revised to read as follows:

 - c) Except as provided in subsection (d) below, a penalty shall not be assessed for a notice of violation if an assessment of less than \$1,100.00 is derived in accordance with Section 1845.13.
 - d) If the assessment for a notice of violation is below \$1,100.00, the penalty shall be assessed if it is the permittee's second or more related violation within a twelve (12) month period.

In response to comments, Section 1845.13(b)(4)(B) was revised by deleting the language "but not longer than fifteen (15) days from

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issuance of the notice or order." Section 1845.17(b) was revised to provide that alternative service of notices or orders may be made by any means consistent with the rules governing service of summons and complaint in the Illinois circuit courts, rather than under the federal rules of civil procedure.

Stylistic changes were made in response to comments received from the Administrative Code Division and JCAR.

- 12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency?

No formal agreements between the Department and JCAR were necessary to resolve Committee questions.

- 13) Will this rule replace an emergency rule currently in effect? No

- 14) Are there any proposed amendments pending on this Part? No

- 15) Summary and purpose of amendments:

The Department identified rules that should be amended in order to more effectively carry out its statutory mandate.

Section 1845.12 sets forth the circumstances under which a civil penalty will be assessed. New subsections (c) and (d) clarify Department policy and practice that an assessment below \$1,100.00 does not have to be paid unless it is the permittee's second or more related violation within a twelve month period.

Section 1845.13 sets forth the factors to be considered in assessing civil penalties. Subsection (b)(4) is amended to clarify that good faith credit awards are based upon rapid compliance and extraordinary measures, rather than simply abating the violation within the time set for abatement. The revisions also clarify Department policy and practice that administrative violations are not eligible for good faith credit awards.

Section 1845.17 sets forth procedures for assessment of civil penalties. The revision to subsection (b) provides for an alternative means of service of proposed assessments. Subsection (b)(2)(B) is amended to reflect the Department's reorganization of its hearing rules in this rulemaking.

Section 1845.18 sets forth requirements regarding the payment of assessments and hearing requests. Subsection (a)(2) is amended to reflect the Department's reorganization of its hearing rules in this rulemaking. Subsection (c) is being deleted as it is now covered in

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new Part 1847, which contains administrative and judicial review provisions.

Section 1845.19 contains hearing procedures and is being deleted due to the Department's reorganization of its hearing rules in this rulemaking. Section 1845.20(a) is also being revised to reflect the Department's reorganization of its hearing rules in this rulemaking.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Fred Bowman, Supervisor

Address: Land Reclamation Division
Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10197
Springfield, Illinois 62791-0197

Telephone: (217) 782-4970

The full text of Adopted Amendments begins on the next page.

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TITLE 62: MINING
CHAPTER 1: DEPARTMENT OF MINES AND MINERALSPART 1845
CIVIL PENALTIES

Section	Scope	Objective	When Penalty Will be Assessed	Factors to be Considered in Assessing Civil Penalties	Determination of Amount of Penalty: Assessment of Violations for Each Day (Repealed)	Separate Assessment of Separate Civil Penalties for Each Day	Procedures for Assessment of Civil Penalties	Payment of Assessment; Hearing Request Deadline	Procedures for Hearing (Repealed)	Final Assessment and Payment of Penalty
1845.1	Scope	Objective	When Penalty Will be Assessed	Factors to be Considered in Assessing Civil Penalties	Determination of Amount of Penalty: Assessment of Violations for Each Day (Repealed)	Separate Assessment of Separate Civil Penalties for Each Day	Procedures for Assessment of Civil Penalties	Payment of Assessment; Hearing Request Deadline	Procedures for Hearing (Repealed)	Final Assessment and Payment of Penalty
1845.2	Scope	Objective	When Penalty Will be Assessed	Factors to be Considered in Assessing Civil Penalties	Determination of Amount of Penalty: Assessment of Violations for Each Day (Repealed)	Separate Assessment of Separate Civil Penalties for Each Day	Procedures for Assessment of Civil Penalties	Payment of Assessment; Hearing Request Deadline	Procedures for Hearing (Repealed)	Final Assessment and Payment of Penalty
1845.11	How Assessments are Made	Objective	When Penalty Will be Assessed	Factors to be Considered in Assessing Civil Penalties	Determination of Amount of Penalty: Assessment of Violations for Each Day (Repealed)	Separate Assessment of Separate Civil Penalties for Each Day	Procedures for Assessment of Civil Penalties	Payment of Assessment; Hearing Request Deadline	Procedures for Hearing (Repealed)	Final Assessment and Payment of Penalty
1845.12	How Assessments are Made	Objective	When Penalty Will be Assessed	Factors to be Considered in Assessing Civil Penalties	Determination of Amount of Penalty: Assessment of Violations for Each Day (Repealed)	Separate Assessment of Separate Civil Penalties for Each Day	Procedures for Assessment of Civil Penalties	Payment of Assessment; Hearing Request Deadline	Procedures for Hearing (Repealed)	Final Assessment and Payment of Penalty
1845.13	How Assessments are Made	Objective	When Penalty Will be Assessed	Factors to be Considered in Assessing Civil Penalties	Determination of Amount of Penalty: Assessment of Violations for Each Day (Repealed)	Separate Assessment of Separate Civil Penalties for Each Day	Procedures for Assessment of Civil Penalties	Payment of Assessment; Hearing Request Deadline	Procedures for Hearing (Repealed)	Final Assessment and Payment of Penalty
1845.14	How Assessments are Made	Objective	When Penalty Will be Assessed	Factors to be Considered in Assessing Civil Penalties	Determination of Amount of Penalty: Assessment of Violations for Each Day (Repealed)	Separate Assessment of Separate Civil Penalties for Each Day	Procedures for Assessment of Civil Penalties	Payment of Assessment; Hearing Request Deadline	Procedures for Hearing (Repealed)	Final Assessment and Payment of Penalty
1845.15	How Assessments are Made	Objective	When Penalty Will be Assessed	Factors to be Considered in Assessing Civil Penalties	Determination of Amount of Penalty: Assessment of Violations for Each Day (Repealed)	Separate Assessment of Separate Civil Penalties for Each Day	Procedures for Assessment of Civil Penalties	Payment of Assessment; Hearing Request Deadline	Procedures for Hearing (Repealed)	Final Assessment and Payment of Penalty
1845.17	How Assessments are Made	Objective	When Penalty Will be Assessed	Factors to be Considered in Assessing Civil Penalties	Determination of Amount of Penalty: Assessment of Violations for Each Day (Repealed)	Separate Assessment of Separate Civil Penalties for Each Day	Procedures for Assessment of Civil Penalties	Payment of Assessment; Hearing Request Deadline	Procedures for Hearing (Repealed)	Final Assessment and Payment of Penalty
1845.18	How Assessments are Made	Objective	When Penalty Will be Assessed	Factors to be Considered in Assessing Civil Penalties	Determination of Amount of Penalty: Assessment of Violations for Each Day (Repealed)	Separate Assessment of Separate Civil Penalties for Each Day	Procedures for Assessment of Civil Penalties	Payment of Assessment; Hearing Request Deadline	Procedures for Hearing (Repealed)	Final Assessment and Payment of Penalty
1845.19	How Assessments are Made	Objective	When Penalty Will be Assessed	Factors to be Considered in Assessing Civil Penalties	Determination of Amount of Penalty: Assessment of Violations for Each Day (Repealed)	Separate Assessment of Separate Civil Penalties for Each Day	Procedures for Assessment of Civil Penalties	Payment of Assessment; Hearing Request Deadline	Procedures for Hearing (Repealed)	Final Assessment and Payment of Penalty
1845.20	How Assessments are Made	Objective	When Penalty Will be Assessed	Factors to be Considered in Assessing Civil Penalties	Determination of Amount of Penalty: Assessment of Violations for Each Day (Repealed)	Separate Assessment of Separate Civil Penalties for Each Day	Procedures for Assessment of Civil Penalties	Payment of Assessment; Hearing Request Deadline	Procedures for Hearing (Repealed)	Final Assessment and Payment of Penalty

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.) [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 9365; amended at 11 Ill. Reg. 8014, effective July 1, 1987; amended at 17 Ill. Reg. 10926, effective July 1, 1993.

Section 1845.12 When Penalty Will be Assessed

- The Department shall assess a penalty for each cessation order.
- The Department shall assess a penalty for a notice of violation if an assessment of one thousand, one hundred dollars (\$1,100.00) or more is derived in accordance with Section 1845.13.
- Except as provided in subsection (d) below, a penalty shall not be assessed for a notice of violation if an assessment of less than \$1,100 is derived in accordance with Section 1845.13.
- If the assessment for a notice of violation is below \$1,100, the penalty shall be assessed if it is the permittee's second or more related violation within a twelve (12) month period.

(Source: Amended at 17 Ill. Reg. 10926, effective July 1, 1993)

Section 1845.13 Factors to be Considered in Assessing Civil Penalties

- The Department shall take into account the factors contained in subsection (b) to determine the amount of the penalty, and except

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violations cited in a cessation order issued under 62 Ill. Adm. Code 1843, whether a penalty should be assessed as provided in Section 1845.12(b).

b). The factors to be considered are:

- History of previous violations. The Department shall assign up to ~~one-thousand-dollars~~ \$1,000 based on the permittee's history of previous violations. ~~Twenty-dollars~~ \$20 shall be assigned for each past violation contained in a notice of violation. ~~One hundred-dollars~~ \$100 shall be assigned for each violation contained in a cessation order. The history of previous violations, for the purpose of assigning dollar amounts, shall be determined with respect to a particular coal exploration or surface coal mining operation. Amounts shall be assigned as follows:

A) A violation shall not be counted, if the notice or order is the subject of pending administrative or judicial review or if the time to request such review or to appeal any administrative or judicial decision has not expired, and thereafter it shall be counted for only one year;

B) No violation for which the notice or order has been vacated shall be counted; and

C) Each violation shall be counted without regard to whether it led to a civil penalty assessment.

- Seriousness. The Department shall assign up to ~~one-thousand-five-hundred-dollars~~ \$1,500 based on the seriousness of the violation, as follows:

A) Probability of occurrence. The Department shall assign up to ~~seven-hundred-and-fifty-dollars~~ \$750 based on the probability of the occurrence of the event which a violated standard is designed to prevent. The amounts shall be assessed according to the following schedule:

Probability of Occurrence	None or Insignificant	Unlikely	Likely	Occurred
	\$ 0.00	100.00	200.00	300.00
				to 750.00

B) Extent of potential or actual damage. The Department shall assign up to ~~seven-hundred-and-fifty-dollars~~ \$750, based on the extent of the potential or actual damage, in terms of area and impact on the public or environment, as follows:

i) If the damage or impact which the violated standard is designed to prevent would remain within the coal exploration or permit area, the Department shall assign from zero dollars (\$0) to ~~three-hundred-dollars~~ \$300, depending on the duration and extent of the damage or impact.

ii) If the damage or impact which the violated standard is designed to prevent would extend outside the coal exploration or permit area, the Department shall

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assign from ~~three-hundred-dollars~~ (\$300) to ~~seven hundred-and-fifty-dollars~~ (\$750), depending on the duration and extent of the damage or impact.

C) Alternative. In the case of a violation of an administrative requirement, such as a requirement to keep records, the Department shall, in lieu of subsection (b)(2)(A) and (B) above, assign up to ~~one-thousand-dollars~~ \$1,000 as follows:

- i) First violation of an administrative requirement within twelve (12) month period: zero dollars (\$0) to ~~two-hundred-and-fifty-dollars~~ (\$250).
- ii) Second violation of same or related administrative requirement within twelve (12) month period: zero dollars (\$0) to ~~five-hundred-dollars~~ (\$500).
- iii) Third violation of same or related administrative requirement within (12) month period: zero dollars (\$0) to ~~one-thousand-dollars~~ (\$1,000).

3) Negligence:

A) The Department shall assign up to ~~two-thousand-five-hundred dollars~~ (\$2,500) based on the degree of fault of the person to whom the notice or order was issued in causing or failing to correct the violation, condition, or practice which led to the notice or order, either through act or omission. The sums shall be assessed as follows:

- i) A violation which occurs through no negligence shall be assigned zero dollars (\$0) for negligence.
- ii) A violation which is caused by negligence shall be assigned up to ~~five-hundred-dollars~~ (\$500).
- iii) A violation which occurs through recklessness shall be assigned up to ~~one-thousand-dollars~~ (\$1,000).
- iv) A violation which occurs through knowing or intentional conduct shall be assigned up to ~~two thousand-five-hundred-dollars~~ (\$2,500).

B) In determining the degree of negligence involved in a violation and the sum to be assigned, the following definitions apply:

- i) No negligence means an inadvertent violation which was unavoidable by the exercise of reasonable care.
- ii) Negligence means the failure of a permittee to prevent the occurrence of any violation of the permit or any requirement of the State Act or 62 Ill. Adm. Code 1700 through 1850 due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation of such permit or the State Act due to indifference, lack of diligence, or lack of reasonable care.
- iii) Recklessness means disregard of a known or obvious high risk.
- iv) Knowing or intentional conduct occurs when the

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permittee is aware that he is, or will be, in violation of the regulations and fails to correct or avoid the situation.

- C) In calculating sums to be assigned for negligence, the acts of all persons working on the coal exploration or surface coal mining and reclamation site shall be attributed to the person to whom the notice or order was issued, unless that person establishes that they were acts of deliberate sabotage.

4) Good faith in attempting to achieve compliance.

A) ~~If the person to whom the notice or order was issued abates the violation before the time set for abatement up to \$500 shall be subtracted from the proposed penalty amount. The Department shall reduce the proposed penalty amount by up to \$500 based on the degree of good faith of the person to whom the notice or order was issued in attempting to achieve rapid compliance after notification of the violation.~~

B) ~~Because of the length of this criterion is impractical assessment shall be made without considering this criterion and shall be reassessed after the violation has been abated. Rapid compliance means that the person to whom the notice or order was issued took extraordinary measures to abate the violation in the shortest possible time and the abatement was achieved before the time set for abatement.~~

C) ~~No reduction of the proposed penalty amount will be given for normal compliance. Normal compliance means the person to whom the notice or order was issued abated the violation within the time given for abatement.~~

D) ~~Good faith credit will not be given if the violation is administrative in nature.~~

(Source: Amended at 17 Ill. Reg. 10926, effective July 1, 1993)

Section 1845.17 Procedures for Assessment of Civil Penalties

- a) Within fifteen (15) days of service of a notice or order, the person to whom it was issued may submit written information about the violation to the Department. The Department shall consider any information so submitted in determining the facts surrounding the violation and the amount of the penalty.
- b) The Department shall serve a copy of the proposed assessment and of the worksheet showing the computation of the proposed assessment on the person to whom the notice or order was issued, by certified mail, or by any alternative means consistent with the rules governing service of a summons and complaint in the Illinois Circuit Courts, within thirty (30) days of issuance of the notice or order.

1) If the mail is tendered at the address of that person set forth

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Section 1845.18 Payment of Assessment; Hearing Request Deadline

in the sign required under 62 Ill. Adm. Code 1846.11 or 1847.11, or at any address at which that person is in fact located, and he or she refuses to accept delivery of or to collect such mail, the requirements of subsection (b) shall be deemed to have been complied with upon such tender.

- 2) Failure by the Department to serve a proposed assessment within thirty (30) days shall not be grounds for dismissal of all or part of such assessment unless the person against whom the proposed penalty has been assessed:

- A) Proves actual prejudice as a result of the delay; and
B) Makes a timely objection to the delay. An objection shall be timely only if made in the normal course of a request for hearing made pursuant to Section 1845.19 62 Ill. Adm. Code 1847.5

- c) Unless a hearing has been requested pursuant to Section 1845.19 62 Ill. Adm. Code 1847.5, the Department shall review and reassess any penalty if necessary to consider facts which were not reasonably available on the date of issuance of the proposed assessment because of the length of the abatement period. The Department shall serve a copy of any such reassessment and of the worksheet showing the computation of the reassessment in the manner provided in subsection (b), within thirty (30) days after the date the violation is abated.

(Source: Amended at 17 Ill. Reg. 10926, effective July 1, 1993)

Section 1845.18 Payment of Assessment; Hearing Request Deadline

- a) Within thirty (30) days after receipt of the proposed penalty assessment, the person for whom the proposed penalty was assessed shall either:

- 1) pay the proposed penalty assessment to the Department; or
2) If the person wishes to contest either the amount of the penalty or the fact of the violation, forward the proposed penalty assessment to the Department, for placement in escrow, together with a request for hearing pursuant to subsection (c) 62 Ill. Adm. Code 1847.5.

- b) If through administrative or judicial review, it is determined either that no violation occurred, or that the amount of the penalty should be reduced, the Department shall, within thirty (30) days of such determination, remit the appropriate amount to the person with interest at the rate of six percent (6%) per annum, or at the prevailing United States Department of the Treasury rate, whichever is greater. Failure to forward the money to the Department within thirty (30) days of receipt of the proposed penalty assessment shall result in a waiver of all legal rights to contest both the fact of the violation and the amount of the penalty.

- c) The person to whom the notice of violation or cessation order was issued may contest the facts of the violation or the proposed penalty

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by submitting a written request for a hearing with the Department within thirty (30) days from receipt of the proposed assessment. If a penalty is assessed, such person also must comply with subsection (a) concerning payment of the amount of the penalty into escrow.

(Source: Amended at 17 Ill. Reg. 10926, effective July 1, 1993)

Section 1845.19 Procedures for Hearing (Repealed)

- a) Upon receiving a request for a hearing submitted in accordance with Section 1845.18 (c) or 62 Ill. Adm. Code 1843.16, the Department shall conduct a hearing regarding the fact of the violation or the amount of the proposed penalty assessment.

- b) All hearings held under this Section shall be conducted in accordance with Sections 10 through 15 of the Administrative Procedure Act (Ill. Rev. Stat. 1985 ch. 127, pars. 1010-1015) and Sections 8-07(b) and 8-09 of the State Act. Notice of the time, place, and subject matter of the hearing shall be given to the applicant, any person who filed a report which led to the order to be reviewed, and the Federal Office of Surface Mining Reclamation and Enforcement at least five (5) days prior to the hearing. Notice of the hearing shall also be posted at the appropriate district or field office at the mine site, and to the extent possible in a newspaper of general circulation in the area of the mine at least five (5) days prior to the hearing.

- c) At the request of any party, a prehearing conference shall be convened by the hearing officer:

- 1) To define the factual and legal issues to be litigated at the administrative hearing;
2) To set a discovery schedule for the administrative hearing, in accordance with 62 Ill. Adm. Code 1843.21.
3) To hear oral arguments on any pending motions;
4) To schedule a date for the administrative hearing;
5) To arrive at an equitable settlement of the hearing request, if possible.

- d) If a settlement agreement is entered into at any stage of the hearing process, the person to whom the notice of order was issued will be deemed to have waived all right to further review of the violation or penalty in question, except as otherwise expressly provided for in the settlement agreement. The settlement agreement shall contain a waiver clause to this effect.

- e) If full payment of the amount specified in the settlement agreement is not received by the Department within the agreed-upon period after the date of signing, the Department may enforce the agreement or rescind it and proceed to collect the original face amount of the assessment within thirty (30) days from the date of the rescission.

- f) A complete record of the hearing and all testimony shall be made by the Department and recorded stenographically. Such record shall be maintained and shall be available to the public until at least sixty

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- 1) The Heading of the Part: Exemption for Coal Extraction Incidental to the Extraction of Other Minerals
- 2) Code Citation: 62 Ill. Adm. Code 1702
- 3) Section Numbers: Adopted Action:
1702.11 Amended
1702.12 Amended
1702.17 Amended
1702.18 Amended
- 4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (225 ILCS 720) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

- 5) Effective Date of Amendments: July 1, 1993
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No
- 8) Date filed in agency's principal office: July 1, 1993
- 9) Date Notice of Proposed Amendments published in Illinois Register:
July 10, 1992; 16 Ill. Reg. 10631
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Changes made between proposed and adopted versions:
No substantive changes were made between proposed and adopted versions.
- 12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency?
No formal agreements between the Department and JCAR were necessary to resolve Committee questions.
- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any proposed amendments pending on this Part? No
- 15) Summary and purpose of amendments:

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60) days after the findings and decision of the Department--referred to in subsection (g) have been issued:
g) if such a hearing is held, the Department shall subsequently make findings of fact, and shall issue a written decision as to the occurrence of the violation and the amount of the penalty which is warranted, incorporating, when appropriate, an order requiring that the penalty be paid. The hearing decision shall be issued and served by certified mail, on all parties, within thirty (30) days of the close of the record. The hearing officer's decision shall constitute the Department's final administrative decision. Service of the Department's final administrative decision shall be deemed complete upon mailing.

h) Judicial review: Following service of the Department's final administrative decision, the permittee or any affected person may request judicial review of that decision in accordance with Article 11 of the Code of Civil Procedure (110 ILCS 1005, Ch. 110, par. 3-3-101 through 3-3-112).

(Source: Repealed at 17 Ill. Reg. 10926, effective July 1, 1993)

Section 1845.20 Final Assessment and Payment of Penalty

- a) If the person to whom a notice of violation or cessation order is issued fails to request a hearing as provided in Section 1845.10 62 Ill. Adm. Code 1847.5, the proposed assessment shall become a final administrative decision of the Department and the penalty assessed shall become due and payable upon expiration of the time allowed to request a hearing.
- b) If the person to whom a notice of violation or cessation order is issued, or any other party, requests judicial review of a final order of the Department, the proposed penalty paid in accordance with Section 1845.18(a) shall continue to be held in escrow until completion of the review. Absent a request for judicial review, the escrowed funds shall be transferred to the Department in payment of the penalty.
- c) Civil penalties owed under Section 1845.20 may be recovered by the Department in a civil action.
- d) If the review results in an order increasing the penalty, the person to whom the notice or order was issued shall pay the difference to the Department within fifteen (15) days after the order is mailed to such person.

(Source: Amended at 17 Ill. Reg. 10926, effective July 1, 1993)

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On December 13, 1991, the Federal Office of Surface Mining Reclamation and Enforcement (OSM), by final rule, instructed the Department to submit amendments designed to correct defects identified in the Department's rules. (See 56 Fed. Reg. 64986, December 13, 1999). In addition, the Department identified rules that should be amended in order to more effectively carry out its statutory mandate.

Section 1702.11 sets forth application requirements and procedures for incidental mining exemptions. A heading has been added to subsection (a). The citation has been corrected in subsection (a)(2). The amendments in subsection (f) reflect the Department's reorganization of its hearing rules in this rulemaking. A typographical error has been corrected in Section 1702.12(g).

Section 1702.17 sets forth requirements for revocation and enforcement of exemption determinations. In order to be no less effective than its federal counterpart, 30 CFR 702.17(c)(1), subsection (c)(1) is amended by adding a notification provision in the event a decision is made not to revoke an exemption. The amendments in subsections (c)(2) and (3) reflect the Department's reorganization of its hearing rules in this rulemaking. A typographical error has been corrected in Section 1702.18(a)(1).

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Fred Bowman, Supervisor

Address: Land Reclamation Division
Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10197
Springfield, Illinois 62791-0197

Telephone: (217) 782-4970

The full text of Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENT(S)

TITLE 62: MINING

CHAPTER 1: DEPARTMENT OF MINES AND MINERALS

PART 1702

EXEMPTION FOR COAL EXTRACTION INCIDENTAL TO
THE EXTRACTION OF OTHER MINERALS

Section	Scope
1702.1	Definitions
1702.5	Information Collection
1702.10	Application Requirements and Procedures
1702.11	Contents of Application for Exemption
1702.12	Public Availability of Information
1702.13	Requirements for Exemption
1702.14	Conditions of Exemption and Right of Inspection and Entry
1702.15	Stockpiling of Minerals
1702.16	Revocation and Enforcement
1702.17	Reporting Requirements
1702.18	

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.) [225 ILCS 720].

SOURCE: Adopted at 15 Ill. Reg. 17123, effective January 1, 1992; amended at 17 Ill. Reg. 10936, effective July 1, 1993.

Section 1702.11 Application Requirements and Procedures

a) Application for exemption.

1) Any person who plans to commence or continue coal extraction after the effective date of this Part in reliance on the incidental mining exemption shall file a complete application for exemption with the Illinois Department of Mines and Minerals (Department) for each mining area.

2) No person may commence coal extraction based upon the exemption until the Department approves such application for exemption, except as provided in 702.11(e)(3) subsection (e)(3) below.

b) Existing operations. Any person who has commenced coal extraction at a mining area in reliance upon the incidental mining exemption prior to the effective date of this Part may continue mining operations for sixty (60) days after such effective date. Coal extraction may not continue after such sixty (60) day period unless that person files an administratively complete application for exemption with the Department. If an administratively complete application is filed within sixty (60) days, the person may continue extracting coal in reliance on the exemption beyond the sixty (60) day period until the Department makes an administrative decision on such application.

c) Additional information. The Department shall notify the applicant if

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the application for exemption is incomplete and may at any time require submittal of additional information.

d) Public comment period. Written comments or objections to an application for exemption may be submitted to the Department by any person having an interest which is or may be adversely affected by the decision on the application within thirty (30) days after the newspaper notice required by Section 1702.12(i).

e) Exemption determination.

- 1) No later than ninety (90) days after the filing of an administratively complete application, the Department shall make a written determination whether, and under what conditions, the persons claiming the exemption are exempt under this Part, and shall notify the applicant and persons submitting comments on the application of the determination and the basis for the determination.
 - 2) The determination of exemption shall be based upon information contained in the application and any other information available to the Department at that time.
 - 3) If the Department fails to provide an applicant with the determination as specified in subsection (e)(1) above, an applicant who has not begun may commence coal extraction pending a determination on the application unless the Department issues an interim finding, together with reasons therefor, that the applicant may not begin coal extraction.
- f) Administrative hearing.

- 1) Any adversely affected person may request administrative review of a determination under subsection (e) above within thirty (30) days of the notification of such determination in accordance with procedures established under 62 Ill. Adm. Code 1847.3. The hearing shall be conducted in accordance with 62 Ill. Adm. Code 1847.3.

- 2) A petition for administrative hearing filed ~~under 62-111-Adm-Code-1775-11~~ in accordance with 62 Ill. Adm. Code 1847.3 shall not suspend the effect of a determination under subsection (e) above.

(Source: Amended at 17 Ill. Reg. 10936, effective July 1, 1993)

Section 1702.12 Contents of Application for Exemption

An application for exemption shall include:

- a) The name and address of the applicant;
- b) A list of the minerals sought to be extracted;
- c) Estimates of annual production of coal and the other minerals within each mining area over the anticipated life of the mining operation;
- d) Estimated annual revenues to be derived from bona fide sales of coal and other minerals to be extracted from the mining area;
- e) Where coal or the other minerals are to be used rather than sold,

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estimated annual fair market values at the time of projected use of the coal and other minerals to be extracted from the mining area;

f) The basis of annual production, revenue, and fair market value estimates;

- g) A description, including county, township if any, and boundaries of the land, or of sufficient certainty that the mining areas may be located and distinguished from other mining areas;
- h) An estimate to the nearest acre of the number of acres that will compose the mining area over the anticipated life of the mining operations;
- i) Evidence of publication, in a newspaper of general circulation in the county of the mining area, of a public notice that an application for exemption has been filed with the Department. The public notice must identify the persons claiming the exemption and must contain a description of the proposed operation and its locality that is sufficient for interested persons to identify the operation;
- j) Representative stratigraphic cross-section(s) based on test borings or other information identifying and showing the relative position, approximate thickness and density of the coal and each other mineral to be extracted for commercial use or sale and the relative position and thickness of any material, not classified as other minerals, that will also be extracted during the conduct of mining activities;
- k) A map of appropriate scale which clearly identifies the mining area;
- l) A general description of mining and mineral processing activities for the mining area;
- m) A summary of sales commitments and agreements for future delivery, if any, which the applicant has received for other minerals to be extracted from the mining area, or a description of potential markets for such minerals;
- n) If the other minerals are to be commercially used by the applicant, a description specifying the use;
- o) For operations having extracted coal or other minerals prior to filing an application for exemption, in addition to the information required above, the following information must also be submitted:
 - 1) Any documents the operator has received from the Department documenting its exemption from the requirements of the State Act;
 - 2) The cumulative production of the coal and other minerals from the mining area;
 - 3) Estimated tonnages of stockpiled coal and other minerals; and
- p) Any other information the applicant believes is pertinent to the qualification of the operation as exempt.

(Source: Amended at 17 Ill. Reg. 10936, effective July 1, 1993)

Section 1702.17 Revocation and Enforcement

- a) Department responsibility. The Department shall conduct an annual compliance review of the mining area, utilizing the annual report

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submitted pursuant to Section 1702.18, an on-site inspection and any other information available to the Department.

- b) If the Department has reason to believe that a specific mining area was not exempt under the provisions of this Part at the end of the previous reporting period, is not exempt, or will be unable to satisfy the exemption criteria at the end of the current reporting period, the Department shall notify the operator that the exemption may be revoked unless the operator demonstrates to the Department within thirty (30) days that the mining area in question should continue to be exempt.

c) Exemption revocation.

- 1) If the Department finds that an operator has not demonstrated that activities conducted in the mining area qualify for the exemption, the Department shall revoke the exemption and immediately notify the operator and any person having an interest which is or may be adversely affected by the revocation and any person who submitted written comments or objections to the exemption application pursuant to Section 1702.11(d). If a decision is made not to revoke an exemption, the Department shall immediately notify the operator and any person having an interest which is or may be adversely affected by the decision and any person who submitted written comments or objections to the exemption application pursuant to Section 1702.11(d).

- 2) Any person having an interest which is or may be adversely affected may request administrative hearing of a decision whether to revoke an exemption within thirty (30) days of the notification of such decision in accordance with procedures established under 62 Ill. Adm. Code 1775-11 1847.3.

- 3) A petition for administrative hearing filed under Section 1775-11 62 Ill. Adm. Code 1847.3 shall not suspend the effect of a decision whether to revoke an exemption.

d) Direct enforcement.

- 1) An operator mining in accordance with the terms of an approved exemption shall not be cited for violations of the regulatory program which occurred prior to the revocation of the exemption.

- 2) An operator who does not conduct activities in accordance with the terms of an approved exemption shall be subject to direct enforcement action for violations of the regulatory program which occur during the period of such activities.

- 3) Upon revocation of an exemption or denial of an exemption application, an operator shall stop conducting surface coal mining operations until a permit is obtained and shall comply with the reclamation standards of 62 Ill. Adm. Code 1800 through 1850 with regard to conditions, areas and activities existing at the time of revocation or denial.

(Source: Amended at 17 Ill. Reg. 10936, effective July 1, 1993)

Section 1702.18 Reporting Requirements

a) Written report.

- 1) Following approval by the Department of an exemption for a mining area, the person receiving the exemption shall, for each mining area, file a written report annually with the Department containing the information specified in subsection (b) below Section 1702.18(b).

- 2) The report shall be filed no later than thirty (30) days after the end of the 12-month period as determined in accordance with the definition of "cumulative measurement period" in Section 1702.5.

- 3) The information in the report shall cover:

- A) Annual production of coal and other minerals and annual revenue derived from coal and other minerals during the preceding 12-month period, and
- B) The cumulative production of coal and other minerals and the cumulative revenue derived from coal and other minerals.

- b) For each period and mining area covered by the report, the report shall specify:

- 1) The number of tons of extracted coal sold in bona fide sales and total revenue derived from such sales;
- 2) The number of tons of coal extracted and used or transferred by the operator or related entity and the estimated total fair market value of such coal;
- 3) The number of tons of coal stockpiled;
- 4) The number of tons of other commercially valuable minerals extracted and sold in bona fide sales and total revenue derived from such sales;
- 5) The number of tons of other commercially valuable minerals extracted and used or transferred by the operator or related entity and the estimated total fair market value of such minerals; and
- 6) The number of tons of other commercially valuable minerals removed and stockpiled by the operator.

(Source: Amended at 17 Ill. Reg. 10936, effective July 1, 1993)

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1) The Heading of the Part: General Content Requirements for Permit Applications

2) Code Citation: 62 Ill. Adm. Code 1777

3) Section Numbers: Adopted Action:

1777.17 Amended

4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (225 ILCS 720) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

5) Effective Date of Amendments: July 1, 1993

6) Does this rulemaking contain an automatic repeal date? No

7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No

8) Date filed in agency's principal office: July 1, 1993

9) Date Notice of Proposed Amendments published in Illinois Register:

July 10, 1992; 16 Ill. Reg.10640

10) Has JCAR issued a Statement of Objections to this rulemaking? No

11) Changes made between proposed and adopted versions:

In the first sentence of Section 1777.17(a), the word "permit" was inserted between the words "of" and "issuance" in response to a comment. The reference to "(b)(2)" in Section 1777.17(c) was changed to "(b)" in response to a comment. Stylistic changes were made in response to comments from the Administrative Code Division and JCAR.

12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency?

No formal agreements between the Department and JCAR were necessary to resolve Committee questions.

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any proposed amendments pending on this Part? No

15) Summary and purpose of amendments:

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The Department identified rules that should be amended in order to more effectively carry out its statutory mandate.

Section 1777.17 sets forth requirements for the submission of permit fees. Section 1777.17 has been reorganized and amended to provide that failure to submit permit fees within one year after the issuance of the Department's written findings approving a permit application will result in the expiration of those findings. The amendments are intended to eliminate situations where permits are issued based on outdated written findings.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Fred Bowman, Supervisor

Address: Land Reclamation Division
Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10197
Springfield, Illinois 62791-0197

Telephone: (217) 782-4970

The full text of Adopted Amendments begins on the next page:

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: General Definitions
- 2) Code Citation: 62 Ill. Adm. Code 1701
- 3) Section Numbers: Adopted Action:
1701. Appendix A Amended
- 4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (225 ILCS 720) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).
- 5) Effective Date of Amendments: July 1, 1993
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No
- 8) Date filed in agency's principal office: July 1, 1993
- 9) Date Notice of Proposed Amendments published in Illinois Register:
July 10, 1992; 16 Ill. Reg. 10644
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Changes made between proposed and adopted versions:

Throughout the entire Part, all identified punctuation, spelling and printer attribute errors have been corrected. Correct statutory references and subsection headings have been inserted where appropriate. All of the above changes have been made pursuant to comments and direction received from the Administrative Code Division and JCAR.

The following changes were made based upon comments received:

The proposed definition of "riparian zone" has been withdrawn.

The definition of "valid existing rights", which was originally proposed to be moved to another Part, has been reinstated.

- 12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency?

No formal agreements between the Department and JCAR were necessary to

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resolve Committee questions.

- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any proposed amendments pending on this Part? No
- 15) Summary and purpose of amendments:

Section 1701. Appendix A sets forth the Department's general definitions for its regulatory program. The land use categories under the definition of "land use" are being amended for clarification purposes, management efficiency and/or to be consistent with federal counterpart rules. The amendments define allowable support facilities and joint or seasonal uses within specific land use categories.

The definition of "public park" is amended for consistency with its federal counterpart regulation.

Minor clerical changes and citation updating have also been added.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Fred Bowman, Supervisor

Address: Land Reclamation Division
Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10197
Springfield, Illinois 62791-0197

Telephone: (217) 782-4970

The full text of Adopted Amendments begins on the next page:

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 62: MINING
CHAPTER I: DEPARTMENT OF MINES AND MINERALSPART 1701
GENERAL DEFINITIONSSection
1701.5 Definitions
APPENDIX A Definitions

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.) [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 4932; amended at 11 Ill. Reg. 8075, effective July 1, 1987; amended at 14 Ill. Reg. 11800, effective January 1, 1991; amended at 15 Ill. Reg. 17141, effective January 1, 1992; amended at 17 Ill. Reg. 10947, effective July 1, 1993.

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Section 1701.APPENDIX A Definitions

As used in 62 Ill. Adm. Code 1700 - 1850, the following terms have the specified meanings, except when another meaning is given:

"Acid drainage" means water with a pH of less than 6.0 and in which total acidity exceeds total alkalinity, discharged from an active, inactive or abandoned surface coal mine and reclamation operation or from an area affected by surface coal mining and reclamation operations.

"Acid - forming materials" means earth materials that contain sulfide minerals or other materials which, if exposed to air, water or weather processes, form acids that may create acid drainage.

"Act or Federal Act" means the Surface Mining Control and Reclamation Act of 1977, P.L. 95-87. (30 U.S.C. 1201 et seq.).

"Adjacent area" means the area located outside the permit area, or shadow area, where a resource or resources, determined according to the context in which adjacent area is used, are or reasonably could be expected to be adversely impacted by proposed mining operations.

"Administratively complete application" means an application for permit approval or approval for coal exploration where required, which the Department determines to contain information addressing each application requirement of the regulatory program and to contain all information necessary to initiate processing and public review.

"Affected area" means, with respect to surface mining activities, any land or water upon or in which those activities are conducted or located. With respect to underground mining activities, affected area means: any water or surface land upon which those activities are conducted or located.

"Agricultural use" means the use of any tract of land for the production of animal or vegetable life. The uses include, but are not limited to, the pasturing, grazing, and watering of livestock, and the cropping, cultivation, and harvesting of plants.

"Applicant" means any person seeking a permit; permit revision; renewal; or transfer, assignment or sale from the Department to conduct surface coal mining and reclamation operations or, where required, seeking approval for coal exploration.

"Application" means the documents and other information filed with the Department under these regulations for the issuance of permits; revisions; renewals; and transfer, assignment, or sale of permit rights for surface coal mining and reclamation operations or, where

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required, for coal exploration.

"Approximate original contour" means that surface configuration achieved by backfilling and grading of the mined areas so that the reclaimed area, including any terracing or access roads, closely resembles the general surface configuration of the land prior to mining and blends into and complements the drainage pattern of the surrounding terrain, with all highwalls, and spoil piles and coal refuse piles eliminated. Permanent water impoundments may be permitted where the Department has determined that they comply with 62 Ill. Adm. Code 1816.49 and 1816.56, 1816.133 or 1817.49, 1817.56 and 1817.133. Section 1.03(a)(2) of the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989 1991, ch. 96 1/2, par. 7901.03(a)(2)) [225 ILCS 720/1.03(a)(2)].

"Aquifer" means a zone, stratum, or group of strata that can store and transmit water in sufficient quantities for specific use.

"Article" means an article of the State Act.

"Auger mining" means a method of mining coal at a cliff or highwall by drilling holes into an exposed coal seam from the cliff or highwall and transporting the coal along an auger bit to the surface.

"Best technology currently available" means equipment, devices, systems, methods, or techniques which will prevent, to the extent possible, additional contributions of suspended solids to stream flow or runoff outside the permit area, but in no event result in contributions of suspended solids in excess of requirements set by 62 Ill. Adm. Code 1816.42; and minimize, to the extent possible, disturbances and adverse impacts on fish, wildlife and related environmental values, and achieve enhancement of those resources where practicable. The term includes equipment, devices, systems, methods, or techniques which are currently available anywhere as determined by the Department, even if they are not in routine use. The term includes, but is not limited to, construction practices, siting requirements, vegetative selection and planting requirements, animal stocking requirements, scheduling of activities and design of sedimentation ponds in accordance with 62 Ill. Adm. Code 1816 and 1817.

"Boxcut" means the first open cut resulting in the placing of overburden on unmined land adjacent to the initial pit.

"Cemetery" means any area of land where human bodies are interred.

"Coal" means combustible carbonaceous rock, classified as anthracite, bituminous, subbituminous, or lignite by ASTM Standard D 388-84 found

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at pp. 247-252 in Vol 5.05 of the Annual Book of ASTM Standards published by the American Society for Testing and Materials, 1916 Race St., Philadelphia PA 19103.

"Coal exploration" means the field gathering of: surface or subsurface geologic, physical, or chemical data by mapping, trenching, drilling, geophysical, or other techniques necessary to determine the quality and quantity of overburden and coal of an area; or the gathering of environmental data to establish the conditions of an area before beginning surface coal mining and reclamation operations under the requirements of 62 Ill. Adm. Code 1700 - 1850.

"Coal mine waste" means coal processing waste and underground development waste.

"Coal mining operation" means the business of developing, producing, preparing or loading bituminous coal, subbituminous coal, anthracite, or lignite, or of reclaiming the area upon which such activities occur.

"Coal processing or coal preparation" means chemical or physical processing and the cleaning, concentrating, or other processing or preparation of coal.

"Coal preparation plant" means a facility where coal is subjected to chemical or physical processing or the cleaning, concentrating, or other processing or preparation. It includes facilities associated with coal preparation activities including, but not limited to the following: loading facilities; storage and stockpile facilities; sheds, shops and other buildings; water treatment and water storage facilities; settling basins and impoundments; coal processing and other waste disposal areas.

"Coal processing waste" means earth materials which are separated and wasted from the product coal during cleaning, concentrating, or other processing or preparation of coal.

"Combustible material" means organic material that is capable of burning, either by fire or through oxidation, accompanied by the evolution of heat and a significant temperature rise.

"Community or institutional building" means any structure, other than a public building or an occupied dwelling, which is used primarily for functions of community groups; used for an educational, cultural, historic, religious, scientific, correctional, mental-health or physical-health care facility; or is used for public services, including, but not limited to, water supply, power generation or

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sewage treatment.

"Compaction" means increasing the density of a material by reducing the voids between the particles and is generally accomplished by controlled placement and mechanical effort such as from repeated application of wheel, track, or roller loads from heavy equipment.

"Complete and accurate application" means an application for permit approval or approval for coal exploration where required, which the Department determines contains all information which the State Act and 62 Ill. Adm. Code 1700 - 1850 require.

"Consolidated material" means materials of sufficient hardness or stability to resist weathering so as to inhibit erosion or sloughing.

"Cropland" means land used for the production of adapted crops for harvest, alone or in a rotation with grasses and legumes, and includes row crops, small grain crops, hay crops, nursery crops, orchard crops, and other similar specialty crops.

"Cumulative impact area" means the area, including the permit area, within which impacts resulting from the proposed operation may interact with the impacts of all anticipated mining on surface and groundwater systems. Anticipated mining shall include, at a minimum, the entire projected lives through bond release of:

- the proposed operation;
- all existing operations;
- any operation for which a permit application has been submitted to the Department.

"Darkened surface soil" means mineral horizons formed at or adjacent to the surface of the soil which are higher in organic matter content, and visibly darker in color than the immediately underlying horizons.

"Department" means the Illinois Department of Mines and Minerals, or its successor.

"Direct financial interest" means ownership or part ownership by an employee of lands, stocks, bonds, debentures, warrants, partnership shares, or other holdings and also means any other arrangement where the employee may benefit from his or her holding in or salary from coal mining operations. Direct financial interests include employment, pensions, creditor, real property, and other financial relationships.

"Director" means the Director of the Department.

"Disturbed area" means an area where vegetation, topsoil, or overburden is removed or upon which topsoil, spoil, coal processing

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waste, underground development waste, or noncoal waste is placed by surface coal mining operations. Those areas are classified as disturbed until reclamation is complete and the performance bond or other assurance of performance required by 62 Ill. Adm. Code 1800 is released.

"Diversion" means a channel, embankment, or other man-made structure constructed to divert water from one area to another.

"Downslope" means the land surface between the projected outcrop of the lowest coalbed being mined along each highwall and a valley floor.

"Embankment" means an artificial deposit of material that is raised above the natural surface of the land and used to contain, divert, or store water, support roads or railways, or for other similar purposes.

"Employee" means any person employed by the Department who performs any function or duty under the Act; and advisory board or commission members and consultants who perform any function or duty under the Act, if they perform decision-making functions for the Department under the authority of State law or regulations. However, members of advisory boards or commissions established in accordance with State law or regulations to represent multiple interests are not considered to be employees. State officials may through State law or regulations expand this definition to meet their program needs.

"Epithermal stream" means a stream which meets both requirements:

- It flows only in direct response to precipitation in the immediate watershed or in response to the melting of a cover of snow and ice; and
- It has a channel bottom that is always above the local water table.

"Excess spoil" means spoil material disposed of in a location other than the mined-out area; provided, the spoil material used to achieve the approximate original contour or to blend the mined-out area with the surrounding terrain in accordance with 62 Ill. Adm. Code 1816.102(d) and 1817.102(d) in nonsteep slope areas shall not be considered excess spoil.

"Existing structure" means a structure used in connection with surface coal mining and reclamation operations for which construction began prior to June 1, 1982.

"Federal Director" means the Director of the Federal Office of Surface Mining Reclamation and Enforcement.

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"Final cut" means the last pit created in a surface-mined area.

"Fragile lands" means geographic areas containing important natural, ecologic, scientific or esthetic resources that could be damaged or destroyed by surface coal mining operations. Examples of fragile lands include valuable habitats for fish or wildlife, critical habitats for endangered or threatened species of animals or plants, uncommon geologic formations, National Natural Landmark sites, areas where mining may cause flooding, environmental corridors containing a concentration of ecologic and esthetic features, areas of recreational value due to high environmental quality, and buffer zones adjacent to the boundaries of areas where surface coal mining operations are prohibited under Section 7.01 of the State Act (Ill. Rev. Stat. 1989 1991, ch. 96 1/2, par. 7907.01) [225 ILCS 720/7.01] and 62 Ill. Adm. Code 1761.11, if those areas have characteristics requiring additional areal protection or if the buffer zone itself contains fragile resources.

"Fugitive dust" means that particulate matter not emitted from a duct or stack which becomes airborne due to the forces of wind or surface coal mining and reclamation operations or both. During surface coal mining and reclamation, it may include emissions from haul roads; wind erosion of exposed surfaces, storage piles, and spoil piles; reclamation operations; and other activities in which material is either removed, stored, transported, or redistributed.

"Gravity discharge" means, with respect to underground mining activities, mine drainage that flows freely in an open channel downgradient. Mine drainage that occurs as a result of flooding a mine to the level of the discharge is not gravity discharge.

"Ground cover" means the area of ground covered by the combined aboveground parts of vegetation and by the litter that is produced naturally on site.

"Ground water" means subsurface water that fills available openings in rock or soil materials to the extent that they are considered water saturated.

"Head-of-hollow fill" means a fill structure consisting of any material, other than organic material, placed in the uppermost reaches of a hollow where side slopes of the existing hollow measured at the steepest point are greater than twenty (20) degrees or the average slope of the profile of the hollow from the toe of the fill to the top of the fill is greater than ten (10) degrees. In head-of-hollow fills, the top surface of the fill, when completed, is at approximately the same elevation as the adjacent ridge line, and no significant area of natural drainage occurs above the fill draining into the fill area.

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"High capability land" means land not meeting the definition of prime farmland or land exempted in accordance with 62 Ill. Adm. Code 1/85.17 where the Department determines the following three facts are present together:

The land is capable of being reclaimed for row-crop agricultural purposes;

The land is suitable for row-crop agricultural purposes based on United States Soil Conservation Service soil survey classifications of the affected land prior to mining (all soil types in capability Classes I, II, III and those soil types in capability Class IV with slopes of five (5) percent or less), as set forth in Land-Capability Classification, Agriculture Handbook No. 210, published by the U.S. Department of Agriculture, Soil Conservation Service in 1973; and

the optimum future use of the land is for row-crop agricultural purposes.

"Highwall" means the face of exposed overburden and coal in an open cut of a surface coal mining activity or for entry to underground mining activities.

"Highwall remnant" means that portion of highwall that remains after backfilling and grading of a remining permit area.

"Higher or better uses" means post-mining land uses that have a higher economic value or nonmonetary benefit to the landowner or the community than the premining land uses.

"Historically used for cropland" means:

Lands that have been used for cropland for any five (5) years or more out of the ten (10) years immediately preceding the acquisition, including purchase, lease, or option, of the lands for the purpose of conducting or allowing through resale, lease or option, the conduct of surface coal mining and reclamation operations;

Lands that the Department determines, on the basis of additional cropland history of the surrounding lands and the lands under consideration that the permit area is clearly cropland but falls outside the specific five (5)-year-in-ten (10) criterion, in which case the regulations for prime farmland shall be applied to include more years of cropland history only to increase the prime farmland acreage to be preserved; or

Lands that would likely have been used as cropland for any five (5) out of the last ten (10) years, immediately preceding such acquisition but for the same fact of ownership or control of the land unrelated to the productivity of the land.

"Historic lands" means important historic, cultural, and scientific areas that could be damaged or be destroyed by surface coal mining

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operations. Examples of historic lands include archaeological and paleontological sites, National Historic landmark sites, sites listed on or eligible for listing on a State or National Register of Historic Places, sites having religious or cultural significance to native Americans or religious groups or sites for which historic designation is pending.

"Hydrologic balance" means the relationship between the quality and quantity of water inflow to, water outflow from, and water storage in a hydrologic unit such as a drainage basin, aquifer, soil zone, lake, or reservoir. It encompasses the dynamic relationships among precipitation, runoff, evaporation, and changes in ground and surface water storage.

"Hydrologic regime" means the entire state of water movement in a given area. It is a function of the climate and includes the phenomena by which water first occurs as atmospheric water vapor, passes into a liquid or solid form, falls as precipitation, moves along or into the ground surface, and returns to the atmosphere as vapor by means of evaporation and transpiration.

"Imminent danger to the health and safety of the public" means the existence of any condition or practice, or any violation of a permit or other requirements of the State Act in a surface coal mining and reclamation operation, which could reasonably be expected to cause substantial physical harm to persons outside the permit area before the condition, practice, or violation can be abated. A reasonable expectation of death or serious injury before abatement exists if a rational person, subjected to the same condition or practice giving rise to the peril, would avoid exposure to the danger during the time necessary for abatement. Section 1.03(a)(7) of the Surface Coal Mining Land Conservation and Reclamation Act, (Ill. Rev. Stat. ~~1989~~ 1991, Ch. 96 1/2, par. 7901.03(a)(7)) [225 ILCS 720/1.03(a)(7)].

"Impounding structure" means a dam, embankment, or other structure used to impound water, slurry, or other liquid or semi-liquid material.

"Impoundment" means a closed basin, naturally formed or artificially built, which is dammed or excavated for the retention of water, sediment, or waste.

"Indirect financial interest" means the same financial relationships as for direct ownership, but where the employee reaps the benefits of such interests, including interests held by his or her spouse, minor child and other relatives, including in-laws, residing in the employee's home. The employee will not be deemed to have an indirect financial interest if there is no relationship between the employee's duties and the coal mining operation in which the spouse, minor

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children, or other resident relatives hold a financial interest.

"In situ processes" means activities conducted in connection with in-place distillation, retorting, leaching, or other chemical or physical processing of coal. The term includes, but is not limited to, in situ gasification, in situ leaching, slurry mining, solution mining, borehole mining, and fluid recovery mining.

"Institute" means the Department of Energy and Natural Resources or such other agency as designated by the Director in accordance with Section 7.03 of the State Act.

"Interagency Committee" means the Interagency Committee on Surface Mining Control and Reclamation Section 1.05 of the State Act created.

"Intermittent stream" means:

- A stream or reach of a stream that drains a watershed of at least one (1) square mile; or
- A stream or reach of a stream that is below the local water table for at least some part of the year, and obtains its flow from both surface runoff and ground water discharge.

"Irreparable damage to the environment" means any damage to the environment in violation of the State Act or these regulations that cannot be corrected by actions of the applicant.

"Land capability" means the soils' premining capabilities based on the United States Department of Agriculture, Soil Conservation Service classification system as found in Agriculture Handbook No. 210, Land-Capability Classification, (published in 1973) as interpreted from the soils map for sustained production of commonly cultivated crops or for the production of permanent vegetation.

"Land use" means specific uses or management-related activities, rather than the vegetation or cover of the land. Land uses may be identified in combination when joint or seasonal uses occur and may include land used for support facilities that are an integral part of the use. Changes of land use or uses from one of the following categories to another shall be considered as a change to an alternative land use which is subject to approval by the Department in accordance with 62 Ill. Adm. Code 1780.23.

"Cropland" means land used for the production of adapted crops for harvest, alone or in a rotation with grasses and legumes, and includes row crops, small grain crops, hay crops, nursery crops, orchard crops, and other similar specialty crops. Allowable support facilities include access roads, farm buildings, hedgerows, erosion control structures such as grassed waterways, terraces and sediment ponds, and other incidental facilities related to cropland management, except that no facility, other

than erosion control structures, may be located on prime farmland.

"Pastureland" means land used primarily for the long-term production of adapted, domesticated forage plants to be grazed by the livestock or occasionally cut and cured for livestock feed. Allowable support facilities include access roads, farm buildings, erosion control structures such as grassed waterways, downdrains, terraces and sediment ponds, water impoundments used for stock watering, and other incidental facilities related to pasture management.

"Grazingland" means land used for grasslands and forest lands where the indigenous vegetation is actively managed for grazing, browsing, or occasional hay production.

"Forestry" means land used or managed for the long-term production of wood, wood fiber, or wood-derived products. Allowable support facilities include water impoundments, access and fire control lanes, erosion control structures such as grassed waterways, downdrains, terraces and sediment ponds, and other incidental facilities related to sound multiple use management of the forest resource.

"Residential" means land used for single- and multiple-family housing, mobile home parks, and other residential lodgings.

"Industrial/Commercial" means land used for:

Extraction or transformation of materials for fabrication of products, wholesaling of products, or for long-term storage of products. This includes all heavy and light manufacturing facilities.

Retail or trade of goods or services, including hotels, motels, stores, restaurants, and other commercial establishments.

"Recreation" is land used for public or private leisure-time use, including developed recreation facilities such as parks, camps, and amusement areas, as well as areas for less intensive uses such as hiking, canoeing, and other undeveloped recreational uses. Allowable support facilities include water impoundments, access roads, and other incidental facilities related to the recreational development of the area.

"Fish and wildlife habitat" is land dedicated wholly or partially to the production, protection, or management of fish or wildlife. Allowable support facilities include water impoundments, access lanes, erosion control structures such as grassed waterways, downdrains, terraces and sediment ponds, and other incidental facilities related to sound fish and wildlife management practices.

"Developed water resources" includes land used for storing water for beneficial uses such as stockponds, irrigation, fire protection, flood control, and water supply. Where appropriate, developed water resources are considered a joint or seasonal use

with cropland, pastureland, forestry, recreation and fish and wildlife habitat.

"Undeveloped land or no current use or land management" includes land that is undeveloped or, if previously developed, land that has been allowed to return naturally to an undeveloped state or has been allowed to return to forest through natural succession. A post-mining designation of undeveloped land shall not be allowed for any land which is proposed to be affected by the mining operation.

"Mining operations or surface coal mining operations" means both surface mining operations and underground mining operations. Section 1.03(a)(11) of the Surface Coal Mining Land Conservation and Reclamation Act- (Ill. Rev. Stat. 1989 1991, ch. 96 1/2, par. 7901.03(a)(11)) [225 ILCS 720/1.03(a)(11)].

"Moist bulk density" means the weight of soil (oven dry) per unit volume. Volume is measured when the soil is at field moisture capacity (1/3 bar moisture tension). Weight is determined after drying the soil at one hundred and five degrees (105° C).

"MSHA" means the Mine Safety and Health Administration of the United States Department of Labor.

"Mulch" means vegetation residues or other suitable materials that aid in soil stabilization and soil moisture conservation, thus providing micro-climatic conditions suitable for germination and growth.

"Natural hazard lands" means geographic areas in which natural conditions exist which pose or, as a result of surface coal mining operations, may pose a threat to the health, safety or welfare of people, property or the environment, including areas subject to landslides, cave-ins, large or encroaching sand dunes, severe wind or soil erosion, frequent flooding, avalanches, and areas of unstable geology.

"Noxious plants" means any plant species listed as a "noxious weed" under regulations authorized by the Illinois Noxious Weed Law (Ill. Rev. Stat. 1989 1991, ch. 5, pars. 951 et seq.) [505 ILCS 100]; any plant species whose seed is listed as a "prohibited (primary) noxious weed" or "restricted" (secondary) noxious weed" or "weed seeds" under regulations authorized by the Illinois Seed Law (Ill. Rev. Stat. 1989 1991, ch. 5, pars. 401 et seq.) [505 ILCS 110/1]; or any plant which the Department of Agriculture has declared a pest under the Illinois Pesticide Act- (Ill. Rev. Stat. 1989 1991, ch. 5, pars. 801 et seq.) [415 ILCS 60].

"Occupied dwelling" means any building that is currently being used on a regular or temporary basis for human habitation. Office means the

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Office-of-Surface-Mining-Reclamation-and-Enforcement-B-S:--Department of-the-Interior.

"Office" means the Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior.

"Operator" means any person engaged in coal mining who removes or intends to remove more than two hundred and fifty (250) tons of coal from the earth or from coal refuse piles by mining within twelve (12) consecutive calendar months in any one location.

"Outslope" means the face of the spoil or embankment sloping downward from the highest elevation to the toe.

"Overburden" means material of any nature, consolidated or unconsolidated, that overlies a coal deposit, excluding topsoil.

"Perennial stream" means a stream that flows continuously during all of the calendar year or part of a stream that flows continuously during all of the calendar year. The stream or part of a stream flows continuously as a result of groundwater discharge or surface runoff. The term does not include intermittent stream or ephemeral stream.

"Performance bond" means a surety bond, collateral bond or a combination thereof, by which a permittee assures faithful performance of all the requirements of the Federal Act, the State Act, 62 Ill. Adm. Code 1700 - 1850, and the requirements of the permit and reclamation plan.

"Performing any function or duty under this Act" means those decisions or actions, which if an employee performed or did not perform would affect the programs under the State Act.

"Permanent diversion" means a diversion remaining after surface coal mining and reclamation operations are completed which has been approved for retention by the Department and other appropriate State and Federal agencies.

"Permanent impoundment" means an impoundment which the Department approved and, if required, is approved by other State and Federal agencies for retention as part of the post-mining land use.

"Permit" means a permit to conduct surface coal mining and reclamation operations which the Department issues pursuant to the State program.

"Permit area" means the area of land and water within the boundaries of the permit which are designated on the permit application maps, as approved by the Department. This area shall include all areas which are or will be affected by the surface coal mining and reclamation

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operations during the term of the permit indicated on the approved map which the operator submitted with the operator's application and which is required to be bonded under 62 Ill. Adm. Code 1800 and where the operator proposes to conduct surface coal mining and reclamation operations under the permit, including all disturbed areas; provided, that areas adequately bonded under another valid permit may be excluded from a permit area. The permit area excludes the area defined in these regulations as the shadow area.

"Permit term" means the period during which the permittee may engage in mining and reclamation operations under the permit. Section 1.03(a)(18) of the Surface Coal Mining Land Conservation and Reclamation Act, (Ill. Rev. Stat. 1989 1991, ch. 96 1/2, par. 7901.03(a)(18)) [225 ILCS 720/1.03(a)(18)].

"Permittee" means a person holding or required by the State Act or these regulations to hold a permit to conduct surface coal mining and reclamation operations issued by a Department pursuant to a State program.

"Person" means an individual, Indian tribe when conducting surface coal mining and reclamation operations on non-Indian lands, general partnership, limited partnership, business trust association, society, joint venture, joint stock company, firm, company, corporation, cooperative or other business organization or any agency, unit, or instrumentality of Federal, State or local government including any publicly-owned utility or publicly-owned corporation of Federal, State or local government.

"Person having an interest which is or may be adversely affected" or "Person with a valid legal interest" shall include any person:

Who uses any resources of economic, recreational, esthetic, or environmental value that may be adversely affected by coal exploration or surface coal mining and reclamation operations or any related action of the Secretary or the Department; or
Whose property is or may be adversely affected by coal exploration or surface coal mining and reclamation operations or any related action of the Secretary or the Department.

"Placeland" means undisturbed land before any mining activity.

"Precipitation event" means a quantity of water resulting from drizzle, rain, snow, sleet, or hail in a limited period of time. It may be expressed in terms of recurrence interval. As used in these regulations, precipitation event also includes that quantity of water emanating from snow cover as snow-melt in a limited period of time.

"Previously mined area" means land that had been mined before August 3, 1977.

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"prime farmland" means those lands which are defined by the Secretary of Agriculture in 7 CFR 657 (43 Fed. Reg. 4031 (1978)) and which have historically been used for cropland as that phrase is defined above.

"Principal shareholder" means any person who is the record or beneficial owner of ten (10) percent or more of any class of voting stock.

"Prohibited financial interest" means any direct or indirect financial interest in any coal mining operation.

"Property to be mined" means both the surface and mineral estates within the permit area and the mineral estate within the shadow area.

"Public building" means any structure that is owned or leased and principally used by a public government agency for public business or meetings.

"Public office" means a facility under the control of a governmental entity which is open to public access on a regular basis during reasonable business hours.

"Public park" means an area or portion of an area dedicated or designated by any Federal, State, or local agency primarily for public recreational use, whether or not such use is limited to certain times or days, including any land leased, reserved or held open to the public because of that use.

"Publicly-owned park" means a public park that is owned by a Federal, State or local governmental entity.

"Public road" means a road: which has been designated as a public road pursuant to the law of the jurisdiction in which it is located; which is maintained with public funds in a manner similar to other public roads of the same classification within the jurisdiction; for which there is substantial (more than incidental) public use; and which meets road construction standards for other public roads of the same classification in the local jurisdiction.

"Qualified registered professional engineer" means a civil engineer, mining engineer, environmental engineer or general engineer meeting the requirements of Section 9 of The Illinois Professional Engineering Act, (Ill. Rev. Stat. 1989 1991, ch. 111, par. 5112) [225 ILCS 325/12].

"Rangeland" means land on which the natural potential (climax) plant

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cover is principally native grasses, forbs, and shrubs valuable for forage. This land includes natural grasslands and savannahs, such as prairies, and juniper savannahs, such as brushlands. Except for brush control, management is primarily achieved by regulating the intensity of grazing and season of use.

"Reasonably available spoil" means spoil and suitable coal mine waste material generated by the remining operation or other spoil or suitable coal mine waste material located in the permit area that is accessible and available for use and that when rehandled will not cause a hazard to public safety or significant damage to the environment.

"Recharge capacity" means the ability of the soils and underlying materials to allow precipitation and runoff to infiltrate and reach the zone of saturation.

"Reclamation" means those actions which these regulations require to restore mined land to a post-mining land use which the Department has approved. These actions do not include subsidence control measures conducted in the shadow area to restore damaged land to pre-mining capability.

"Recurrence interval" means the interval of time in which a precipitation event is expected to occur once, on the average. For example, the ten (10)-year, twenty-four (24)-hour precipitation event would be that twenty-four (24)-hour precipitation event expected to occur on the average once in ten (10) years.

"Reference area" means a land unit maintained under appropriate management for the purpose of measuring vegetation ground cover, productivity and plant species diversity that are produced naturally or by Department-approved crop production methods. Reference areas must be representative of geology, soil, slope, and vegetation in the permit area.

"Refuse pile" means a surface deposit of coal mine waste that does not impound water, slurry, or other liquid or semi-liquid material.

"Regional director" means Regional Director of the Federal Office of Surface Mining Reclamation and Enforcement or Regional Director of the Federal Office of Surface Mining Reclamation and Enforcement's representative.

"Regulatory program" means Illinois' permanent regulatory program which the Office of Surface Mining Reclamation and Enforcement approved and set forth in 30 CFR 913.1-913.16 (1986) [91]. 30 CFR 913.1-913.16 do not include any subsequent amendments or editions.

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"Remining" means conducting surface coal mining and reclamation operations which affect previously mined areas.

"Renewable resource lands" means aquifers and areas for the recharge of aquifers and other underground waters, areas for agricultural or silvicultural production of food and fiber, and grazing lands.

"Responsible land management" means that combination of preparation, maintenance, fertilization and tilling of land capable of producing row crops which would be practiced by a person in the business of producing row crops on unmined land in the same region on the same, or similar, soil type as the mined land being managed, which practices can reasonably be expected to continue after mining and reclamation are completed, as determined by the Department.

"Road" means a surface right-of-way for purposes of travel by land vehicles used in surface coal mining and reclamation operations or coal exploration. A road consists of the entire area within the right-of-way, including the roadbed, shoulders, parking and side areas, approaches, structures, ditches, and surface. The term includes access and haulroads constructed, used, reconstructed, improved, or maintained for use in surface coal mining and reclamation operations or coal exploration, including use by coal hauling vehicles to and from transfer, processing or storage areas. The term does not include ramps and routes of travel within the immediate mining area or within spoil or coal mine waste disposal areas.

"Safety factor" means the ratio of the available shear strength to the developed shear stress, or the ratio of the sum of the resisting forces to the sum of the loading or driving forces.

"Secretary" means the Secretary of the Interior or the Secretary's representative.

"Sedimentation pond" means an impoundment used to remove solids from water in order to meet water quality standards or effluent limitations before the water leaves the permit area.

"Shadow area" means any area beyond the limits of the permit area in which underground mine workings are located. This area includes all resources above and below the coal that are protected by the State Act that may be adversely impacted by underground mining operations including impacts of subsidence.

"Significant forest cover" means an area where the plant community consists predominantly of trees and other woody vegetation.

"Significant, imminent environmental harm to land, air or water resources" means:

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An environmental harm is an adverse impact on land, air, or water resources which resources include, but are not limited to, plant and animal life;

An environmental harm is imminent if a condition, practice, or violation exists which:

Is causing such harm; or

May reasonably be expected to cause such harm at any time before the end of the reasonable abatement time that would be set under Section 8.06(c) of the State Act (Ill. Rev. Stat. 1989 1991, ch. 96 1/2, par. 7908.06(c)) [225 ILCS 720/8.06(c)].

An environmental harm is significant if that harm is appreciable and not immediately repairable.

"Siltation structure" means a device, or devices, used to remove, collect or otherwise control runoff so that resulting outflow will meet applicable effluent standards.

"Slope" means average inclination of a surface measured from the horizontal, generally expressed as the ratio of a unit of vertical distance to a given number of units of horizontal distance (e.g., 1v: 5h). It may also be expressed as a percent or in degrees.

"Soil horizons" means contrasting layers of soil parallel or nearly parallel to the land surface. Soil horizons are differentiated on the basis of field characteristics and laboratory data. The four (4) master soil horizons are:

A horizon. The uppermost mineral layer, often called the surface soil or topsoil. It is the part of the soil in which organic matter is most abundant, and leaching of soluble or suspended particles is typically the greatest.

E horizon. The layer commonly near the surface below an A horizon and above a B horizon. An E horizon is most commonly differentiated from an overlying A horizon by lighter color and generally has measurably less organic matter than the A horizon. An E horizon is most commonly differentiated from the underlying B horizon in the same sequence by color of higher value or lower chroma, by coarser texture, or by a combination of these properties.

B horizon. The layer that typically is immediately beneath the A and E horizons and often called the subsoil. This middle layer commonly contains more clay, iron, or aluminum than the A, E, or C horizons.

C horizon. The deepest layer of the soil profile. It consists of loose material or weathered rock that is relatively unaffected by biologic activity.

"Soil survey" means a field and other investigation, resulting in a map showing the geographic distribution of different kinds of soils

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and an accompanying report that describes, classifies, and interprets such soils for use. Soil surveys must meet the standards of the National Cooperative Soil Survey as incorporated by reference in 62 Ill. Adm. Code 1785.17(c)(1).

"Spoil" means overburden that has been removed during surface coal mining operations.

"Stabilize" means to control movement of soil, spoil piles, or areas of disturbed earth by modifying the geometry of the mass, or by otherwise modifying physical or chemical properties, such as by providing a protective surface coating.

"State Act" means the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. ~~1949~~ 1991, ch. 96 1/2, pars. 7901.01 et seq.) [225 ILCS 720].

"State regulatory program" means the Illinois program which the Secretary approved on June 1, 1982 pursuant to 30 CFR 732.1 through 732.15.

"Steep slope" means any slope of more than twenty (20) degrees or such lesser slope as the Department may designate after consideration of such regional characteristics as soil and climate.

"Substantially disturb" means, for purposes of coal exploration, to impact significantly upon land, air or water resources by blasting; by removal of vegetation, topsoil, or overburden; by construction of roads or other access routes; by placement of excavated earth or waste material on the natural land surface or by other such activities; or to remove more than 250 tons of coal.

"Substantial legal and financial commitments in a surface coal mining operation" means significant investments that have been made on the basis of a long-term coal contract in power plants, railroads, coal-handling, preparation, extraction or storage facilities, and other capital-intensive activities. An example would be an existing mine, not actually producing coal, but in a substantial stage of development prior to production. Costs of acquiring the coal in place or of the right to mine it without an existing mine alone, as described in the above example, are not sufficient to constitute substantial legal and financial commitments.

"Successor in interest" means any person who succeeds to rights granted under a permit, by transfer, assignment, or sale of those rights.

"Surface mining activities" means those surface coal mining and reclamation operations incident to the extraction of coal from the

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earth by removing the materials over the coal seam, before recovering the coal, by auger coal mining, or by recovery of coal from a deposit that is not in its original geologic location.

"Surface coal mining and reclamation operations", or "mining and reclamation operations", means surface coal mining operations and all activities necessary or incidental to the reclamation of such operations. This term includes the term "surface coal mining operations".

"Surface coal mining operations", or "mining operations" means:

Activities conducted on the surface of lands in connection with a surface coal mine or subject to the requirements of Section 516 of the Federal Act, surface operations and surface impacts incident to an underground coal mine, the products of which enter commerce, or the operations of which directly or indirectly affect interstate commerce. Such activities include excavation for the purpose of obtaining coal, including such common methods as contour, strip, auger, mountaintop removal, box cut, open pit, and area mining, the uses of explosives and blasting; in situ distillation or retorting; leaching or other chemical or physical processing; and the cleaning, concentrating, or other processing or preparation of coal. Such activities also include the loading of coal for interstate commerce at or near the mine-site, provided, these activities do not include the extraction of coal incidental to the extraction of other minerals, where coal does not exceed sixteen and two-thirds (16 2/3) per centum of the tonnage of minerals removed for purposes of commercial use or sale, or coal exploration subject to Section 512 of the Federal Act; and provided further, that excavation for the purpose of obtaining coal includes extraction of coal from coal refuse piles; and

The areas upon which the activities described in ~~subsection (a)~~ the first paragraph of this definition occur or where those activities disturb the natural land surface. These areas shall also include any adjacent land the use of which is incidental to any such activities, all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of those activities and for haulage and excavation, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, processing areas, shipping areas, and other areas upon which are sited structures, facilities, or other property or material on the surface, resulting from or incident to those activities.

"Surface mining operations" means activities conducted on the surface of lands in connection with a surface coal mine or surface operations.

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Such activities include excavation for the purpose of obtaining coal including such common methods as contour, strip, auger, mountaintop removal, box cut, open pit, and area mining, coal recovery from coal waste disposal areas, the use of explosives and blasting, and in situ distillation or retorting, leaching or other chemical or physical processing, and the cleaning, concentrating, or other processing or preparation, loading of coal at or near the mine site; and the areas on which such activities occur or where such activities disturb the natural land surface. Such areas include any adjacent land the use of which is incidental to any such activities, all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of such activities and for haulage, and excavations, workings, impoundments, dams, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, processing areas, shipping areas and other areas upon which are sited structures, facilities, or other property or materials on the surface, resulting from or incidental to such activities. Section 1.03(a)(24) of the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989 1991, ch. 96 1/2, par. 7901.03(a)(24)) [225 ILCS 720/1.03(a)(24)].

"Suspended solids or nonfilterable residue, expressed as milligrams per liter", means any materials carried or held in suspension in water which are retained by a standard glass fiber filter in the procedure outlined by the Environmental Protection Agency's regulations for waste water and analyses (40 CFR 136).

"Temporary diversion" means a diversion of a stream or overland flow which is used during coal exploration or surface coal mining and reclamation operations and which the Department has not approved to remain after reclamation.

"Temporary impoundment" means an impoundment which is used during coal exploration or surface coal mining and reclamation operations and which the Department has not approved to remain after reclamation.

"Ton" means two thousand (2000) pounds avoirdupois (.90718 metric ton).

"Topsoil" means the A and E soil horizon layers of the four (4) master soil horizons.

"Toxic - forming materials" means earth materials or wastes which, if acted upon by air, water, weathering, or microbiological processes, are likely to produce chemical or physical conditions in soils or water that are detrimental to living organisms or uses of water.

"Toxic mine drainage" means water that is discharged from active or

abandoned mines or other areas affected by coal exploration or surface coal mining and reclamation operations, which contains a substance that through chemical action or physical effects is likely to kill or injure, or impair living organisms commonly present in the area that might be exposed to it.

"Transfer, assignment or sale of permit rights" means a change in ownership or other effective control over the right to conduct surface coal mining operations under a permit which the Department issued.

"Underground development waste" means waste rock mixtures resulting from development of areas for underground mining activities.

"Underground mining activities" means a combination of:

Surface operations incident to underground extraction of coal or in situ processing, such as construction, use, maintenance, and reclamation of roads, above-ground repair areas, storage areas, processing areas, shipping areas, areas upon which are sited support facilities including hoist and ventilating ducts, areas utilized for the disposal and storage of waste, and areas on which materials incident to underground mining operations are placed; and

Underground operations such as underground construction, operation, and reclamation of shafts, edits, underground support facilities, in situ processing, and underground mining, hauling, storage, and blasting.

"Underground mining operations" means the underground excavation of coal; and

surface operations incident to the underground extraction of coal, such as construction, use, maintenance, and reclamation of roads, above-ground repair areas, storage areas, processing areas, shipping areas, areas on which are sited support facilities including hoist and ventilation ducts, areas used for the storage and disposal of waste, and areas on which materials incident to underground mining operations are placed; and underground operations incident to underground excavation of coal, such as underground construction, operation, and reclamation of shafts, edits, underground support facilities, in situ processing, and underground mining, hauling, storage, or blasting. Section 1.03(a)(26) of the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989 1991, ch. 96 1/2, par. 7901.03(a)(26)) [225 ILCS 720/1.03(a)(26)].

"Unwarranted failure to comply" means the failure of a permittee to prevent the occurrence of any violation of the operator's permit or any requirement of the State Act due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation of such permit of the State due to indifference, lack of

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diligence, or lack of reasonable care. Section 1.03(a)(27) of the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989 1991, ch. 96 1/2, par. 7901.03(a)(27)) [225 ILCS 720/1.03(a)(27)].

"Valid existing rights" means:

Except for haul roads, that a person possesses valid existing rights for an area protected under Section 7.01 of the State Act (Ill. Stat. 1989 1991, ch. 96 1/2, par. 7907.01) [225 ILCS 720/7.01] on August 3, 1977, if the application of any of the prohibitions contained in that Section to the property interest that existed on that date would effect a taking of the person's property which would entitle the person to just compensation under the Fifth and Fourteenth Amendments to the United States Constitution or Article I, Section 15 of the Illinois Constitution of 1970 or both.

For haul roads:

A recorded right of way, recorded easement or a permit for a coal haul road recorded as of August 3, 1977, or at the time of the designation of an area, as to which a conflict is alleged, as part of a national system listed in Section 7.01 of the State Act, or at the time of the coming into existence, within the prohibited distance of a structure, road, cemetery, or other activity listed in Section 7.01 of the State Act; or
Any other road in existence as of August 3, 1977, or at the time of the designation of an area as to which a conflict is alleged, as part of a national system listed in Section 7.01 of the State Act, or at the time of coming into existence, within the prohibited distance of a structure, road, cemetery or other activity listed in Section 7.01 of the State Act.

Where an area comes under the protection of Section 7.01 of the State Act after August 3, 1977, valid existing right shall be found if:

On the date the protection comes into existence, a validly authorized surface coal mine operation exists on that area; or

The prohibition caused by Section 7.01 of the State Act, if applied to the property interest that exists on the date the protection comes into existence, would effect a taking of the person's property which would entitle the person to just compensation under the Fifth and Fourteenth Amendments to the United States Constitution or Article I, Section 15 of the Illinois Constitution of 1970, or both.

Interpretation of the terms of the document relied upon to establish valid existing rights shall be based either upon Illinois case law concerning interpretation of documents conveying mineral rights or, where Illinois case law is lacking,

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upon the usage and custom at the time and place where it came into existence and upon a showing by the applicant that the parties to the document actually contemplated a right to conduct the same underground or surface mining activities for which the applicant claims a valid existing right.

"Valley fill" means a fill structure consisting of any material, other than organic material, that is placed in a valley where side slopes of the existing valley, measured at the steepest point, are greater than twenty (20) degrees, or where the average slope of the profile of the valley from the toe of the fill to the top of the fill is greater than ten (10) degrees.

"Violation notice" means any notification, by letter, memorandum, legal or administrative pleading, or other written communication, from a governmental entity, telling of a violation of law.

"Water table" means the upper surface of a zone of saturation, where the body of ground water is not confined by an overlying impermeable zone.

"Willful violation" means a deliberate act or omission which violates the State Act, these regulations, or any permit condition which the State Act requires.

(Source: Amended at 17 Ill. Reg. 10947, effective July 1, 1993)

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1) The Heading of the Part: General Rules Relating to Procedure and Practice

Statutory citations and references were updated and/or corrected and other clerical and formatting changes were made in response to comments received from the Administrative Code Division and JCAR.

2) Code Citation: 62 Ill. Adm. Code 1848

The following changes were made in response to comments received during the comment period:

3) Section Numbers: Adopted Action:

1848.1	New
1848.2	New
1848.3	New
1848.5	New
1848.6	New
1848.7	New
1848.8	New
1848.9	New
1848.11	New
1848.12	New
1848.13	New
1848.15	New
1848.16	New
1848.17	New
1848.18	New
1848.19	New
1848.20	New
1848.21	New
1848.22	New

Section 1848.1(a) was revised to read as follows:

In the interest of establishing and maintaining uniformity to the extent feasible, this Part sets forth, unless otherwise noted, general rules applicable to hearings conducted under 62 Ill. Adm. Code 1847.

Section 1848.5(e) was revised to read as follows: "The names and mailing addresses of the hearing officer and all parties and other persons to whom notice of the hearing is given."

Section 1848.7 was reformatted as follows:

At the request of any party to a hearing, a pre-hearing conference shall be scheduled by the hearing officer:

- a) To define the factual and legal issues to be litigated at the hearing;
- b) To set a discovery schedule for the hearing, in accordance with 62 Ill. Adm. Code 1848.9;
- c) To schedule a date for the hearing; and
- d) To arrive at an equitable settlement of the hearing request, if possible.

Section 1848.8 was revised to read as follows:

- a) Any person may petition for leave to intervene at any stage of a proceeding under 62 Ill. Adm. Code 1847.
- b) A petitioner for leave to intervene shall incorporate in the petition a statement setting forth the interest of the petitioner and, if he had no statutory right to initiate the proceeding, a showing of why his interest is or may be adversely affected.
- c) The Department or the hearing officer shall grant the petition to intervene where the petitioner:

4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (225 ILCS 720) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

5) Effective Date of Rules: July 1, 1993

6) Does this rulemaking contain an automatic repeal date? No

7) Does the adopted rule contain incorporations by reference pursuant to Section 6.02(b) of the Act? No

8) Date filed in agency's principal office: July 1, 1993

9) Date Notice of Proposed Rules published in Illinois Register:

July 10, 1992; 16 Ill. Reg. 10669

10) Has JCAR issued a Statement of Objections to this rulemaking? No

11) Changes made between proposed and adopted versions:

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- 1) Had a statutory right to initiate the proceeding in which he wishes to intervene; or
- 2) Has an interest which is or may be adversely affected by the outcome of the proceeding.
- d) If neither subsection (c)(1) nor (c)(2) above apply, the hearing officer or the Department shall consider the following in determining whether intervention is appropriate:
 - 1) The nature of the issues;
 - 2) The adequacy of representation of petitioner's interest which is provided by the existing parties to the proceeding;
 - 3) The ability of the petitioner to present relevant evidence and argument; and
 - 4) The effect of intervention on the agency's implementation of its statutory mandate.
- e) Any person granted leave to intervene in a proceeding shall participate in such proceeding as a full party or, if permitted by the Department or the hearing officer, in a capacity less than that of a full party. If an intervenor wishes to participate in a limited capacity, the extent and terms of such participation shall be at the discretion of the Department or the hearing officer and shall be defined by the Department or the hearing officer.

Section 1848.9(b) was revised to read as follows: "Time for discovery. A party desiring to initiate discovery shall request a pre-hearing conference for purposes of setting a discovery schedule. At such pre-hearing conference, the requesting party shall present the hearing officer and other parties with a proposed discovery plan and schedule. Any discovery approved by the hearing officer shall be conducted in accordance with this Section."

Section 1848.9(c) was revised to read as follows:

- c) Scope of discovery.
 - 1) Unless otherwise limited by order of the hearing officer in accordance with these rules, the parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the proceeding, including the existence, description, nature, custody, condition, and location of any books, documents, or other

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tangible things and the identity and location of persons having knowledge of any discoverable matter. To the extent that any aspect of discovery is not addressed in this Section, the rules of discovery as applied in civil cases in the circuit courts of Illinois shall be followed. In the case of conflict between this Section and the rules of discovery as applied in civil cases in the circuit courts of Illinois, the latter shall govern.

- 2) Upon motion by a party or the person from whom discovery is sought, and for good cause shown, the hearing officer may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following:
 - A) The discovery may not be had;
 - B) The discovery may be had only on specified terms and conditions, including a designation of the time or place;
 - C) The discovery may be had only by a method of discovery other than that selected by the party seeking discovery;
 - D) Certain matters not relevant may not be inquired into, or the scope of discovery shall be limited to certain matters;
 - E) Discovery shall be conducted with no one present except persons designated by the hearing officer; or
 - F) A trade secret or other confidential research, development, or commercial information may not be disclosed or shall be disclosed only in a designated way.

Section 1848.11(b)(2) was revised to read as follows: "The hearing officer shall enter an order scheduling the dates upon which all expert witnesses shall be disclosed. Upon disclosure, the expert's opinion may be the subject of discovery as provided in subsection (c). Failure to make the disclosure required by the hearing officer or to comply with the discovery contemplated in this subsection will result in disqualification of the expert as a witness."

A new subsection (b) was inserted at Section 1848.15 and proposed subsection (b) redesignated as subsection (c). Section 1848.15(b) now reads as follows: "Subject to the evidentiary requirements of

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subsection (a) above, a party may conduct cross-examination required for a full and fair disclosure of the facts."

Section 1848.16 was revised and redesignated as follows:

Hearing officers shall be licensed to practice law in the State of Illinois and not be employed by the Department. Hearing officers may:

- a) Administer oaths and affirmations;
- b) Issue subpoenas;
- c) Issue appropriate orders relating to discovery;
- d) Rule on procedural requests or similar matters;
- e) Hold conferences for settlement or simplification of the issues;
- f) Regulate the course of the hearing;
- g) Rule on offers of proof and receive relevant evidence;
- h) Where applicable, conduct site inspections of the land to be affected or where the surface coal mining and reclamation operations are located;
- i) Enter appropriate orders;
- j) Examine witnesses and direct witnesses to testify, limit the number of times any witness may testify and limit repetitive or cumulative testimony;
- k) Take other actions authorized by these regulations or by the Surface Coal Mining Land Conservation and Reclamation Act (225 ILCS 720).

Section 1848.17, entitled "Disqualification of Hearing Officer", was added and reads as follows:

- a) A hearing officer, on his own motion or that of a party, may be disqualified in a proceeding due to bias or conflict of interest.
- b) A motion for disqualification filed pursuant to this Section shall:

- 1) Be in writing;
 - 2) Contain a statement of supporting grounds; and
 - 3) Be filed with the Director and served upon all parties.
- c) Unless the Director orders otherwise, the hearing officer and any party to a proceeding in which a motion is filed under this Section shall have ten (10) days from service of the motion to file a response.
- d) The Director shall rule on all motions filed pursuant to this Section as expeditiously as possible. If a motion filed under this Section is granted, the Director shall appoint a new hearing officer for the proceeding.

Section 1848.20 was revised to read as follows:

- a) At any time after a proceeding has begun, a party may move for summary decision of the whole or part of a case in accordance with Section 1848.12.
- b) The moving party under this Section shall verify any allegation of fact with supporting affidavits, unless the moving party is relying upon depositions, answers to interrogatories, admissions or documents produced upon request to verify such allegations.
- c) Any affidavit submitted in support of a motion filed under this Section shall comply with Illinois Supreme Court Rule 191.
- d) Any party filing a motion for summary decision shall submit along therewith a supporting memorandum of law and a statement of material facts as to which the moving party contends there is no genuine issue. Such statement of facts shall:
 - 1) Consist of numbered paragraphs; and
 - 2) Include within each paragraph specific references to the affidavits, parts of the record or other materials relied upon to support the facts stated in the paragraph.
- e) Any party opposing a motion for summary decision shall file a written response thereto within fifteen (15) days after service of the motion for summary decision. Such response shall:
 - 1) Respond to each numbered paragraph of the moving party's statement of material facts; and

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- 2) In the case of any dispute, include within each numbered paragraph specific references to the affidavits, parts of the record or other materials relied upon to support the response.

f) All material facts contained in the moving party's statement will be deemed admitted unless controverted by the opposing party's response.

g) The failure of a party who bears the burden of proof with respect to a particular issue to submit evidence on that issue in the course of a summary decision motion shall result in a decision in favor of his opponent as to that issue.

h) The hearing officer may grant a motion under this Section if the record shows that:

- 1) There is no disputed issue as to any material fact; and
- 2) The moving party is entitled to summary decision as a matter of law.

i) If a motion for summary decision is not granted for the entire case or for all the relief requested and a hearing is necessary, the hearing officer shall, if practicable, and upon examination of all relevant documents and evidence before him, ascertain what material facts are actually and in good faith controverted. He shall thereupon issue an order specifying the facts that appear without substantial controversy and direct such further proceedings as deemed appropriate.

12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency?

No formal agreements between the Department and JCAR were necessary to resolve Committee questions.

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any proposed amendments pending on this Part? No

15) Summary and purpose of rules:

The Department identified rules that should be amended in order to more effectively carry out its statutory mandate. New Part 1848 contains general procedural rules applicable to administrative hearings. Procedural provisions are currently scattered throughout various Parts of the Department's rules, and it is often unclear what procedural

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rules apply to the various types of administrative hearings. The adopted rules more closely track Illinois' procedure and practice rules than did previous rules. By reorganizing to include all procedure and practice rules in one Part, the Department hopes to add consistency and clarity to its rules.

16) Information and questions regarding these Adopted Rules shall be directed to:

Name: Fred Bowman

Address: Land Reclamation Division
Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10197
Springfield, Illinois 62791-0197

Telephone: (217) 782-4970

The full text of Adopted Rules begins on the next page:

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TITLE 62: MINING
CHAPTER 1: DEPARTMENT OF MINES AND MINERALS

PART 1848

GENERAL RULES RELATING TO PROCEDURE AND PRACTICE

Section

1848.1	Scope and Purpose
1848.2	Documents
1848.3	Transcript of Hearings
1848.5	Notice of Hearing
1848.6	Ex Parte Contacts
1848.7	Pre-Hearing Conferences
1848.8	Intervention
1848.9	Discovery
1848.11	Expert Witnesses
1848.12	Motions
1848.13	Consolidation of Proceedings
1848.15	Rules of Evidence; Official Notice
1848.16	Powers of Hearing Officers
1848.17	Disqualification of Hearing Officer
1848.18	Postponement or Continuance of Hearing
1848.19	Failure to State a Claim
1848.20	Summary Decision
1848.21	Proposed Findings of Fact and Conclusions of Law
1848.22	Default

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.) [225 ILCS 720].

SOURCE: Adopted at 17 Ill. Reg. 10973, effective July 1, 1993.

Section 1848.1 Scope and Purpose

- a) In the interest of establishing and maintaining uniformity to the extent feasible, this Part sets forth, unless otherwise noted, general rules applicable to hearings conducted under 62 Ill. Adm. Code 1847.
- b) As used in this Part and unless otherwise specified, "hearing" shall be deemed to include the various types of hearings set forth in 62 Ill. Adm. Code 1847.

Section 1848.2 Documents

- a) Filing of documents. The effective filing date for documents shall be the date of receipt by the Department's Springfield, Illinois office.
- b) Service. A copy of each document filed in a review proceeding under 62 Ill. Adm. Code 1847 must be served by the filing party on the other

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party or parties to the proceeding. In all cases where a party is represented by an attorney, such attorney will be recognized as fully controlling the case on behalf of his client, and service of any document relating to the proceeding shall be made upon such attorney in addition to any other service specifically required by law. Where a party is represented by more than one attorney, service upon one of the attorneys shall be sufficient.

- c) Retention of documents. All documents, books, records, papers, etc., received in evidence in a hearing or submitted for the record in any proceeding will be retained with the official record of the proceeding.
- d) Record address. Every person who files a document for the record or requests notice in connection with a proceeding conducted under 62 Ill. Adm. Code 1847 shall at the time of his initial filing in the matter state his address. If a person fails to furnish a record address as required herein he will not be entitled to notice in connection with the proceedings.
- e) Computation of time. Computation of any period of time prescribed herein shall be done in accordance with 62 Ill. Adm. Code 1/00.15.
- f) Extensions of time.
 - 1) Upon a showing of just cause, the time for filing or serving any document may be extended by the hearing officer before whom the proceeding is pending except where such extension is contrary to law or regulation.
 - 2) A request for an extension of time must be filed within the time allowed for the filing or serving of the document.
- g) Petitions for review and requests for hearing. Petitions for review and requests for hearing under 62 Ill. Adm. Code 1847 shall be filed with the Illinois Department of Mines and Minerals, Land Reclamation Division, 300 West Jefferson, Suite 300, P.O. Box 10197, Springfield, Illinois 62791-0197.

Section 1848.3 Transcript of Hearings

A verbatim transcript of any hearing held under 62 Ill. Adm. Code 1847 shall be provided to the Department by a court reporter appointed by the Department, and shall constitute a part of the record. Copies of the transcript shall be furnished, at cost, upon request to the court reporter.

Section 1848.5 Notice of Hearing

The hearing officer shall give written notice of hearing to the parties. Such notice shall include:

- a) A statement of the time, place and nature of the hearing;
- b) A statement of the legal authority and jurisdiction under which the hearing is to be held;
- c) A reference to the particular section of the substantive and procedural statutes and rules involved;
- d) A short and plain statement of the matters asserted, the consequences

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of a failure to respond and the official file or other reference number or name;

e) The names and mailing addresses of the hearing officer and all parties and other persons to whom notice of the hearing is given.

Section 1848.6 Ex Parte Contacts

Ex parte contacts between the parties and the hearing officer concerning the merits of a proceeding are prohibited except upon notice and opportunity for all parties to participate. This Section does not prohibit communications concerning case status or advice concerning compliance with procedural requirements unless the area of inquiry is in fact an area of controversy in the proceeding.

Section 1848.7 Pre-Hearing Conferences

At the request of any party to a hearing, a pre-hearing conference shall be scheduled by the hearing officer:

- a) To define the factual and legal issues to be litigated at the hearing;
- b) To set a discovery schedule for the hearing, in accordance with 62 Ill. Adm. Code 1848.9;
- c) To schedule a date for the hearing; and
- d) To arrive at an equitable settlement of the hearing request, if possible.

Section 1848.8 Intervention

a) Any person may petition for leave to intervene at any stage of a proceeding under 62 Ill. Adm. Code 1847.

b) A petitioner for leave to intervene shall incorporate in the petition a statement setting forth the interest of the petitioner and, if he had a statutory right to initiate the proceeding, a showing of why his interest is or may be adversely affected.

c) The Department or the hearing officer shall grant the petition to intervene where the petitioner:

- 1) Had a statutory right to initiate the proceeding in which he wishes to intervene; or
 - 2) Has an interest which is or may be adversely affected by the outcome of the proceeding.
- d) If neither subsection (c)(1) nor (c)(2) above apply, the hearing officer or the Department shall consider the following in determining whether intervention is appropriate:

- 1) The nature of the issues;
- 2) The adequacy of representation of petitioner's interest which is provided by the existing parties to the proceeding;
- 3) The ability of the petitioner to present relevant evidence and argument; and
- 4) The effect of intervention on the agency's implementation of its statutory mandate.

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e) Any person granted leave to intervene in a proceeding shall participate in such proceeding as a full party or, if permitted by the Department or the hearing officer, in a capacity less than that of a full party. If an intervenor wishes to participate in a limited capacity, the extent and the terms of such participation shall be at the discretion of the Department or the hearing officer and shall be defined by the Department or the hearing officer.

Section 1848.9 Discovery

a) Discovery methods. Parties may obtain discovery by one or more of the following methods:

- 1) Depositions upon oral examination or upon written questions;
 - 2) Written interrogatories;
 - 3) Production of documents or things or permission to enter upon land or other property, for inspection and other purposes; or
 - 4) Requests for admission.
- b) Time for discovery. A party desiring to initiate discovery shall request a pre-hearing conference for purposes of setting a discovery schedule. At such pre-hearing conference, the requesting party shall present the hearing officer and other parties with a proposed discovery plan and schedule. Any discovery approved by the hearing officer shall be conducted in accordance with this Section.
- c) Scope of discovery.

1) Unless otherwise limited by order of the hearing officer in accordance with these rules, the parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the proceeding, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. To the extent that any aspect of discovery is not addressed in this Section, the rules of discovery as applied in civil cases in the circuit courts of Illinois shall be followed. In the case of conflict between this Section and the rules of discovery as applied in civil cases in the circuit courts of Illinois, the latter shall govern.

2) Upon motion by a party or the person from whom discovery is sought, and for good cause shown, the hearing officer may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following:

- A) The discovery may not be had;
- B) The discovery may be had only on specified terms and conditions, including a designation of the time or place;
- C) The discovery may be had only by a method of discovery other than that selected by the party seeking discovery;
- D) Certain matters not relevant may not be inquired into, or the scope of discovery shall be limited to certain matters;

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- E) Discovery shall be conducted with no one present except persons designated by the hearing officer; or
- F) A trade secret or other confidential research, development, or commercial information may not be disclosed or shall be disclosed only in a designated way.
- d) Sequence and timing of discovery. Unless the hearing officer upon motion, for the convenience of parties and witnesses and in the interest of justice, orders others, methods of discovery may be used in any sequence and the fact that a party is conducting discovery, whether by deposition or otherwise, shall not operate to delay any other party's discovery.
- e) Supplementation of responses. A party who has responded to a request for discovery with a response that was complete when made is under no duty to supplement his response to include information thereafter acquired, except as follows:
 - 1) A party is under a duty to timely supplement his response with respect to any question directly addressed to:
 - A) The identity and location of persons having knowledge of discoverable matters; and
 - B) The identity of each person expected to be called as an expert witness at the hearing, the subject matter on which he is expected to testify and the substance of his testimony.
 - 2) A party is under a duty to timely amend a prior response if he later obtains information upon the basis of which:
 - A) He knows the response was incorrect when made; or
 - B) He knows that the response though correct when made is no longer true and the circumstances are such that a failure to amend the response is in substance a knowing concealment.
 - 3) A duty to supplement responses may be imposed by order of the hearing officer or agreement of the parties.
- f) Stipulations. If the parties so stipulate, depositions and discovery may take place before any person, for any purpose, at any time or place and in any manner.
- g) Effect of discovery disclosure. Disclosure of any matter obtained by discovery is not conclusive, but may be contradicted by other evidence.
- h) Reasonable attempt to resolve differences required. Every motion with respect to discovery shall incorporate a statement that after personal consultation and reasonable attempts to resolve differences, the parties have been unable to reach an accord. The hearing officer may order that reasonable costs, including attorney's fees, be assessed against a party or his attorney who unreasonably fails to facilitate discovery under this provision.
- i) Depositions upon oral examination or upon written questions.
 - 1) Any party may take the testimony of any party or person by deposition upon oral examination or written questions for the purpose of discovery or for use as evidence in the action. Any party desiring to take the testimony of any other party or other

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person by deposition upon oral examination shall, without leave of the hearing officer, give reasonable notice in writing to every other party, to the person to be examined and to the hearing officer, of:

- A) The proposed time and place of taking the deposition;
 - B) The name and address of each person to be examined, if known, or if the name is not known, a general description sufficient to identify him or the particular group or class to which he belongs;
 - C) The matter upon which each person will be examined;
 - D) Whether the deposition is to be a discovery deposition or an evidence deposition. In the absence of specification the deposition shall be a discovery deposition only; and
 - E) The name or descriptive title and address of the officer before whom the deposition is to be taken.
- 2) A deposition upon oral examination may be taken before any officer authorized to administer oaths by the laws of Illinois.
- 3) Scope and manner of examination and cross-examination.
- A) The deponent in a discovery deposition may be examined regarding any matter subject to discovery under these rules. He may be questioned by any party as if under cross-examination.
 - B) In an evidence deposition the examination and cross-examination shall be the same as though the deponent were testifying at the hearing.
- 4) Taking of the deposition. The actual taking of the deposition upon oral examination shall proceed as follows:
- A) The deposition shall be on the record;
 - B) The officer before whom the deposition is to be taken shall put the witness under oath or affirmation;
 - C) Examination and cross-examination shall proceed as at a hearing;
 - D) Objections made at the time of the examination shall be included in the deposition. The officer before whom the deposition is taken shall not rule on objections to the evidence; evidence objected to shall be taken subject to the objection.
 - E) In lieu of participating in the oral examination, parties served with notice of taking a deposition may transmit written questions to the officer, who shall propound them to the witness and record the answers verbatim.
- 5) When the testimony is fully transcribed, the deposition shall be submitted to the deponent for examination and signature, unless examination and signature are waived by the deponent. The officer shall certify within the deposition that the deponent was duly sworn by him and that the deposition is a true record of the testimony given by the deponent. If the deposition is not signed by the deponent, the officer shall certify the deposition and state the reason for the omission of the signature. A certified

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deposition requires no further proof of authenticity.

6) Fees and charges. The party at whose instance the deposition is taken shall pay the fees of the witness and of the officer and the charges of the recorder or stenographer for attending.

7) Depositions on written questions.

A) Where the deposition is to be taken upon written questions, the party taking the deposition shall serve a copy of the questions, showing each question separately and consecutively numbered, on every other party with a notice stating the name and address of the person who is to answer them, and the name, description, title, and address of the officer before whom they are to be taken. Within fourteen (14) days after service, any other party may serve cross questions. Within seven (7) days after being served with cross questions a party may likewise serve redirect questions. Within seven (7) days after being served with redirect questions, a party may likewise serve recross questions.

B) The party at whose instance the deposition is taken shall transmit a copy of the notice and copies of the initial and subsequent questions served to the officer designated in the notice who shall proceed promptly to take the testimony of the deponent in response to the questions and to prepare, certify, and mail the deposition, attaching thereto the copy of the notice and the questions received by him. No party, attorney or person interested in the event of the action (unless he is the deponent) shall be present during the taking of the deposition or dictate, write or draw up any answers to the questions.

8) Use of depositions.

A) Purposes for which discovery depositions may be used. Discovery depositions taken under the provisions of this Section may be used only:

- i) For the purpose of impeaching the testimony of the deponent as a witness;
 - ii) As an admission made by a party or by an officer or agent of a party;
 - iii) If otherwise admissible as an exception to the hearsay rule; or
 - iv) For any purpose for which an affidavit may be used.
- B) Use of evidence depositions. Evidence depositions may be used for any purpose for which a discovery deposition may be used, and may be used by any party for any purpose if the hearing officer finds that at the time of the hearing:
- i) The deponent is dead or unable to attend or testify because of age, sickness, infirmity or imprisonment;
 - ii) The deponent is out of the county, unless it appears that the absence was procured by the party offering the deposition, provided that a party who is not a

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resident of this state may introduce his own deposition if he is absent from the county; or

iii) The party offering the deposition has exercised reasonable diligence but has been unable to procure the attendance of the deponent by subpoena; or finds, upon notice and motion in advance of the hearing, that exceptional circumstances exist which make it desirable, in the interest of justice and with due regard for the importance of presenting the testimony of witnesses orally in open hearing, to allow the deposition to be used.

C) Partial use. If only a part of a deposition is read or used at the hearing by a party, any other party may at that time read or use or require him to read any other part of the deposition which ought in fairness be considered in connection with the part read or used.

j) Written interrogatories to parties.

1) Directing interrogatories. A party may direct written interrogatories to any other party. One (1) copy of the interrogatories shall be filed with the hearing officer with proof of service on all other parties entitled to notice. Written interrogatories shall be reasonably spaced so as to permit the answering party to make his answer on the interrogatories served upon him. The answering party may attach an addendum to the copies if the space provided is insufficient.

2) Duty of attorney. It is the duty of an attorney directing interrogatories to restrict them to the subject matter of the particular case, to avoid undue detail, and to avoid the imposition of any unnecessary burden or expense on the answering party.

3) Answers and objections. Within twenty-eight (28) days after service of the interrogatories upon the party to whom they are directed, he shall file a sworn answer or an objection to each interrogatory, with proof of service upon all other parties entitled to notice. If an interrogatory is objected to, the reasons for objection shall be stated in lieu of the answer. Any objection to an answer or to the refusal to answer an interrogatory shall be heard by the hearing officer upon prompt notice and motion of the party propounding the interrogatory. The answering party shall set forth in full each interrogatory being answered immediately preceding the answer. Sworn answers to interrogatories directed to a public or private corporation or a partnership, association or governmental agency shall be made by an officer, partner or agent, who shall furnish such information as is available to the party.

4) Interrogatories may relate to any matters which can be inquired into under subsection (c). An interrogatory otherwise proper is not necessarily objectionable merely because an answer to the interrogatory involves an opinion or contention that relates to

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fact or the application of law to fact, but the hearing officer may order that such an interrogatory need not be answered until after designated discovery has been completed or until a pre-hearing conference or other later time.

- 5) Option to produce documents. When the answer to an interrogatory may be obtained from documents in the possession or control of the party on whom the interrogatory was served, it shall be a sufficient answer to the interrogatory to specify those documents and to afford the party serving the interrogatory a reasonable opportunity to inspect the documents and to make copies thereof or compilations, abstracts, or summaries therefrom.

- 6) Use of answers to interrogatories. Answers to interrogatories may be used in evidence to the same extent as a discovery deposition.

- k) Discovery of documents, objects and tangible things; inspection of real estate.

- 1) Scope. Any party may by written request direct any other party to produce for inspection, copying, reproduction, photographing, testing or sampling specified documents, objects, or tangible things, or to permit access to real estate for the purpose of making surface or subsurface inspections or surveys or photographs, or tests or taking samples, or to disclose information calculated to lead to the discovery of the whereabouts of any of these items, whenever the nature, contents, or condition of such documents, objects, tangible things, or real estate is relevant to the subject matter of the action.

- 2) The request shall specify a reasonable time, which shall not be less than twenty-eight (28) days except by agreement or by order of the hearing officer, and the place and manner of making the inspection and performing the related acts. One copy of the request shall be filed with the proof of service on all other parties entitled to notice.

- 3) A party served with the written request shall:
 - A) Comply with the request within the time specified; or
 - B) Serve upon the party who made the request written objections on the ground that the request is improper in whole or in part. If written objections to a part of the request are made, the remainder of the request shall be complied with. Any objection to the request or the refusal to respond shall be heard by the hearing officer upon prompt notice and motion of the party submitting the request. If the party claims that the item is not in his possession or control or that he does not have information calculated to lead to the discovery of its whereabouts, he may be ordered to submit to examination in open hearing or by deposition regarding such claim. If requested, the party producing documents shall furnish an affidavit stating whether the production is complete in accordance with the request.

- 1) Admissions.

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- 1) A party may serve upon any other party a written request for the admission, for purposes of the pending action only, of the genuineness and authenticity of any relevant document described in or attached to the request, or for the admission of the truth of any specified relevant matter or fact.

- 2) Each matter of which an admission is requested is admitted unless, within twenty-eight (28) days after service of the request or such shorter or longer time as the hearing officer may allow, the party to whom the request is directed serves on the requesting party:
 - A) A sworn statement denying specifically the relevant matters of which an admission is requested;
 - B) A sworn statement setting forth in detail the reasons why he can neither truthfully admit nor deny them; or
 - C) Written objections on the grounds that some or all of the matters involved are privileged or irrelevant or that the request is otherwise improper in whole or in part. If written objections to a part of the request are made, the remainder of the request shall be answered within the period designated in the request. Any objection to a request or to an answer shall be heard by the hearing officer upon prompt notice and motion of the party making the request.

- 3) An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless he states that he has made reasonable inquiry and that the information known or readily obtainable by him is insufficient to enable him to admit or deny.
- 4) The party who has requested the admission may move to determine the sufficiency of the answer or objection. Unless the hearing officer determines that an objection is justified, he shall order that an answer be served. If the hearing officer determines that an answer does not comply with the requirement of subsection (1)(2), he may order either that the matter is admitted or that an amended answer be served. The hearing officer may, in lieu of these orders, determine that final disposition of the request be made at a pre-hearing conference or at a designated time prior to hearing.
- 5) Any matter admitted under this subsection is conclusively established unless the hearing officer on motion permits withdrawal or amendment of the admission.
- 6) Any admission made by a party under this subsection is for the purpose of the pending action only and is not an admission by him for any other purpose nor may it be used against him in any other proceeding.

- m) Failure to comply with rules or orders relating to discovery.

- 1) If a deponent fails to answer a question propounded, or a party upon whom a request is made pursuant to subsection (k), or a party upon whom answers to interrogatories are served fails to adequately respond or objects to the request, or any part

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thereof, or fails to permit inspection as requested, the discovering party may move the hearing officer for an order compelling a response or inspection in accordance with the request.

- A) The motion shall set forth:
 - i) The nature of the questions or request;
 - ii) The response or objection of the party upon whom the request was served; and
 - iii) Arguments in support of the motion.
- B) If the motion arose out of a failure to answer questions at a deposition, the motion shall be accompanied by a certified copy of the deposition transcript or a certified copy of that portion of the transcript containing the questions and responses.
- 2) For purposes of this subsection, an evasive answer or incomplete answer or response shall be treated as a failure to answer or respond.
- 3) In ruling on a motion made pursuant to this subsection, the hearing officer may issue a protective order, if authorized pursuant to subsection (c)(2).
- n) Failure to comply with orders compelling discovery. If a party or an officer, director, or other agent of a party fails to obey an order to provide or permit discovery, the hearing officer before whom the action is pending may make such orders in regard to the failure as are just, including but not limited to the following:
 - 1) An order that the matters sought to be discovered or any other designated facts shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order;
 - 2) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing designated matters into evidence; or
 - 3) An order striking pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dismissing the action or proceeding or any party thereof, or rendering a judgment by default against the disobedient party.

Section 1848.11 Expert Witnesses

a) Definitions.

- 1) Definition of expert witness. An expert is a person who, because of education, training or experience, possesses knowledge of a specialized nature beyond that of the average person on a factual matter material to a claim or defense in pending litigation and who may be expected to render an opinion within his expertise at hearing. He may be an employee of a party, a party or an independent contractor.
- 2) Consulting expert. A consulting expert is a person who possesses the same qualifications as an expert witness and who has been

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retained or specially employed in anticipation of litigation or preparation for hearing but who is not to be called at hearing to render opinions within his area of expertise.

- b) Disclosure.
 - 1) Expert witnesses. Where the testimony of experts is reasonably contemplated, the parties shall act in good faith to seasonably:
 - A) Ascertain the identity of such witnesses; and
 - B) Obtain from them the opinions upon which they may be requested to testify.
 - 2) The hearing officer shall enter an order scheduling the dates upon which all expert witnesses shall be disclosed. Upon disclosure, the expert's opinion may be the subject of discovery as provided in subsection (c). Failure to make the disclosure required by the hearing officer or to comply with the discovery contemplated in this subsection will result in disqualification of the expert as a witness.
 - 3) Consulting expert. Except as provided in subsection (c)(5), a party need not disclose the identity of a consulting expert.
 - c) Discovery.
 - 1) Upon interrogatory propounded for that purpose, the party retaining or employing an expert witness shall be required to state:
 - A) The subject matter on which the expert is expected to testify;
 - B) His conclusions and opinions and the bases therefor; and
 - C) His qualifications.
 - 2) The party answering such interrogatories may respond by submitting the signed report of the expert containing the required information.
 - 3) A party shall be required to seasonably supplement his answers to interrogatories propounded under this Section as additional information becomes known to the party or his counsel.
 - 4) The provisions of subsections (c) and (d) also apply to a party or an employee of a party who will render an opinion within his expertise at the time of hearing. However, the provisions of subsections (c) and (d) do not apply to parties or employees of entities whose professional acts or omissions are the subject of the litigation. The opinions of these latter persons may be the subject of disclosure by deposition only.
 - 5) The identity, opinions and work product of consulting experts are discoverable only upon a showing of exceptional circumstances under which it is impracticable for the party seeking discovery to obtain facts or opinions on the same subject matter by other means. However, documents, objects and tangible things which are in the possession of a consulting expert and which do not contain his opinions may be obtained by a request for that purpose served upon the party retaining him.
 - 6) Unless manifest injustice would result, each party shall bear the expense of all fees charged by his expert witness or witnesses.

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- d) Scope of testimony. To the extent that the facts known or opinions held by an expert have been developed in discovery proceedings through interrogatories, deposition, or requests to produce, his direct testimony at hearing may not be inconsistent with nor go beyond the fair scope of the facts known or opinions disclosed in such discovery proceedings. However, he shall not be prevented from testifying as to facts or opinions on matters regarding which inquiry was not made in the discovery proceedings.

Section 1848.12 Motions

- a) Except for oral motions made in proceedings on the record, or where the hearing officer otherwise directs, each motion shall:
- 1) Be in writing;
 - 2) State whether the movant wishes to argue the motion orally;
 - 3) Contain a concise statement of supporting grounds; and
 - 4) Be accompanied by a proposed order for entry by the hearing officer.
- b) Unless the hearing officer orders otherwise, any party to a proceeding in which a motion is filed under subsection (a) shall have fifteen (15) days from service of the motion to file a statement in response.
- c) Failure to make a timely motion or to file a statement in response may be construed as a waiver of objection.
- d) The hearing officer shall rule on all motions as expeditiously as possible.

Section 1848.13 Consolidation of Proceedings

When proceedings involving a common question of law or fact are pending before a hearing officer, such proceedings are subject to consolidation pursuant to a motion by a party or at the initiative of the hearing officer.

Section 1848.15 Rules of Evidence; Official Notice

- a) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence and privilege as applied in civil cases in the circuit courts of Illinois shall be followed. Evidence not admissible under those rules of evidence may be admitted, however, if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, any part of the evidence may be received in written form.
- b) Subject to the evidentiary requirements of subsection (a) above, a party may conduct cross-examination required for a full and fair disclosure of the facts.
- c) Official notice may be taken of the public records of the Department and of any matters of which the circuit courts of Illinois may take

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judicial notice. In addition, notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge. Parties shall be notified of the material noticed either before or during the hearing, and they shall be afforded an opportunity to contest the material so noticed. The Department's experience, technical competence and specialized knowledge may be used in the evaluation of the evidence.

Section 1848.16 Powers of Hearing Officers

Hearing Officers shall be licensed to practice law in the State of Illinois and not be employed by the Department. Hearing officers may:

- a) Administer oaths and affirmations;
- b) Issue subpoenas;
- c) Issue appropriate orders relating to discovery;
- d) Rule on procedural requests or similar matters;
- e) Hold conferences for settlement or simplification of the issues;
- f) Regulate the course of the hearing;
- g) Rule on offers of proof and receive relevant evidence;
- h) Where applicable, conduct site inspections of the land to be affected or where the surface coal mining and reclamation operations are located;
- i) Enter appropriate orders;
- j) Examine witnesses and direct witnesses to testify, limit the number of times any witness may testify and limit repetitive or cumulative testimony;
- k) Take other actions authorized by these regulations or by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, par. 7901.01 et seq.) [225 ILCS 720].

Section 1848.17 Disqualification of Hearing Officer

- a) A hearing officer, on his own motion or that of a party, may be disqualified in a proceeding due to bias or conflict of interest.
- b) A motion for disqualification filed pursuant to this Section shall:
 - 1) Be in writing;
 - 2) Contain a statement of supporting grounds; and
 - 3) Be filed with the Director and served upon all parties.
- c) Unless the Director orders otherwise, the hearing officer and any party to a proceeding in which a motion is filed under this Section shall have ten (10) days from service of the motion to file a response.
- d) The Director shall rule on all motions filed pursuant to this Section as expeditiously as possible. If a motion filed under this Section is granted, the Director shall appoint a new hearing officer for the proceeding.

Section 1848.18 Postponement or Continuance of Hearing

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A hearing may be postponed or continued for due cause by the hearing officer upon his own motion or upon the motion of a party to the hearing. A motion filed by a party shall be in accordance with Section 1848.12 and shall set forth facts attesting that the request for continuance is not for the purpose of delay. Except in the case of an emergency as defined in Section 1848.22, motions requesting postponement or continuance shall be received by all parties to the hearing at least three (3) business days prior to the scheduled hearing date. Parties shall avoid undue delay caused by repetitive postponements or continuances so that the subject matter of the hearing may be resolved expeditiously.

Section 1848.19 Failure to State a Claim

Upon motion in accordance with Section 1848.12, the hearing officer may dismiss at any time a request for hearing which fails to state a claim upon which administrative relief may be granted.

Section 1848.20 Summary Decision

a) At any time after a proceeding has begun, a party may move for summary decision of the whole or part of a case in accordance with Section 1848.12.

b) The moving party under this Section shall verify any allegation of fact with supporting affidavits, unless the moving party is relying upon depositions, answers to interrogatories, admissions, or documents produced upon request to verify such allegations.

c) Any affidavit submitted in support of a motion filed under this Section shall comply with Illinois Supreme Court Rule 191.

d) Any party filing a motion for summary decision shall submit along therewith a supporting memorandum of law and a statement of material facts as to which the moving party contends there is no genuine issue. Such statement of facts shall:

- 1) Consist of numbered paragraphs; and
- 2) Include within each paragraph specific references to the affidavits, parts of the record or other materials relied upon to support the facts stated in the paragraph.

e) Any party opposing a motion for summary decision shall file a written response thereto within fifteen (15) days after service of the motion for summary decision. Such response shall:

- 1) Respond to each numbered paragraph of the moving party's statement of material facts; and
- 2) In the case of any dispute, include within each numbered paragraph specific references to the affidavits, parts of the record or other materials relied upon to support the response.

f) All material facts contained in the moving party's statement will be deemed admitted unless controverted by the opposing party's response.

g) The failure of a party who bears the burden of proof with respect to a particular issue to submit evidence on that issue in the course of a summary decision motion shall result in a decision in favor of his

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opponent as to that issue.

h) The hearing officer may grant a motion under this Section if the record shows that:

- 1) There is no disputed issue as to any material fact; and
- 2) The moving party is entitled to summary decision as a matter of law.

i) If a motion for summary decision is not granted for the entire case or for all the relief requested and a hearing is necessary, the hearing officer shall, if practicable, and upon examination of all relevant documents and evidence before him, ascertain what material facts are actually and in good faith controverted. He shall thereupon issue an order specifying the facts that appear without substantial controversy and direct such further proceedings as deemed appropriate.

Section 1848.21 Proposed Findings of Fact and Conclusions of Law

The hearing officer shall allow the parties to a proceeding an opportunity to submit proposed findings of fact and conclusions of law together with a supporting brief at a time designated by the hearing officer.

Section 1848.22 Default

If a party, after proper service of notice, fails to appear at a pre-hearing conference or at a hearing, and if no continuance has been granted, the hearing officer may proceed to make his decision in the absence of such party. If the failure to appear is due to an emergency situation beyond the parties' control, and the Department is notified of such situation on or before the scheduled pre-hearing conference or hearing date, the conference or hearing will be continued or postponed pursuant to Section 1848.18. Emergency situations include sudden unavailability of counsel, sudden illness of a party or his representative or similar situations beyond the parties' control.

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NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Individual Civil Penalties

2) Code Citation: 62 Ill. Adm. Code 1846

3) Section Numbers: Adopted Action:

1846.17

Amended

1846.18

Amended

4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (225 ILCS 720) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

5) Effective Date of Amendments: July 1, 1993

6) Does this rulemaking contain an automatic repeal date? No

7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No

8) Date filed in agency's principal office: July 1, 1993

9) Date Notice of Proposed Amendments published in Illinois Register:

July 10, 1992; 16 Ill. Reg.10691

10) Has JCAR issued a Statement of Objections to this rulemaking? No

11) Changes made between proposed and adopted versions:

No substantive changes were made between proposed and adopted versions. Clerical changes were made in response to comments received from the Administrative Code Division and JCAR.

12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency?

No formal agreements between the Department and JCAR were necessary to resolve Committee questions.

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any proposed amendments pending on this Part? No

15) Summary and purpose of amendments:

The Department identified rules that should be amended in order to more

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effectively carry out its statutory mandate. The amendments to Sections 1846.17(b)(1) and 1846.18(b) reflect the Department's reorganization of its administrative review rules in this rulemaking.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Fred Bowman, Supervisor

Address: Land Reclamation Division
Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10197
Springfield, Illinois 62791-0197

Telephone: (217) 782-4970

The full text of Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENT(S)

CHAPTER I: DEPARTMENT OF MINES AND MINERALS
TITLE 62: MININGPART 1846
INDIVIDUAL CIVIL PENALTIES

Section	
1846.1	Scope
1846.5	Definitions
1846.12	When an individual civil penalty may be assessed
1846.14	Amount of individual civil penalty
1846.17	Procedure for assessment of individual civil penalty.
1846.18	Payment of penalty

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.) [225 ILCS 720].

SOURCE: Adopted at 14 Ill. Reg. 11825, effective January 1, 1991; amended at 17 Ill. Reg. 10997, effective July 1, 1993.

Section 1846.17 Procedure for assessment of individual civil penalty.

- a) Notice. The Department shall serve on each individual to be assessed an individual civil penalty a notice of proposed individual civil penalty assessment, including a narrative explanation of the reasons for the penalty, the amount to be assessed, and a copy of any underlying notice of violation and cessation order.
- b) Final order and opportunity for review. The notice of proposed individual civil penalty assessment shall become a final administrative decision of the Department 30 days after service upon the individual unless:
 - 1) The individual files, within 30 days of service of the notice of proposed individual civil penalty assessment, a petition for review with the Illinois Department of Mines and Minerals, Land Reclamation Division, 300 West Jefferson Street, Suite 300, P.O. Box 10197, Springfield, Illinois 62791-0197, in accordance with 62 Ill. Adm. Code 1843-16 1847.8; or
 - 2) The Department and the individual or responsible corporate permittee agree within 30 days of service of the notice of proposed individual civil penalty assessment to a schedule or plan for the abatement or correction of the violation, failure or refusal.
- c) Service. For purposes of this Section, service is sufficient if it would satisfy the requirements of 62 Ill. Adm. Code 1843.14.

(Source: Amended at 17 Ill. Reg. 10997, effective July 1, 1993)

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Section 1846.18 Payment of penalty

- a) No abatement or appeal. If a notice of proposed individual civil penalty assessment becomes a final administrative decision in the absence of a petition for review or abatement agreement, the penalty shall be due upon issuance of the Department's decision.
- b) Appeal. If an individual named in a notice of proposed individual civil penalty assessment files a petition for review in accordance with Section 1843-16 62 Ill. Adm. Code 1847.8, the penalty shall be due upon issuance of a final administrative decision affirming, increasing or decreasing the proposed penalty.
- c) Abatement agreement. Where the Department and the corporate permittee or individual have agreed in writing on a plan for the abatement of or compliance with the unabated order, an individual named in a notice of proposed individual civil penalty assessment may postpone payment until receiving either a final administrative decision from the Department stating that the penalty is due on the date of such final administrative decision, or written notice that abatement or compliance is satisfactory and the penalty has been withdrawn.

(Source: Amended at 17 Ill. Reg. 10997, effective July 1, 1993)

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NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Permanent Program Performance Standards--Surface Mining Activities

- 2) Code Citation: 62 Ill. Adm. Code 1816

- 3) Section Numbers: Adopted Action:

1816.42	Amended
1816.43	Amended
1816.49	Amended
1816.84	Amended
1816.116	Amended
1816.117	Amended
1816.151	Amended

- 4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (225 ILCS 720) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

- 5) Effective Date of Amendments: July 1, 1993

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No

- 8) Date filed in agency's principal office: July 1, 1993

- 9) Date Notice of Proposed Amendments published in Illinois Register:

July 10, 1992; 16 Ill. Reg. 10695

- 10) Has JCAR issued a Statement of Objections to this rulemaking? No

- 11) Changes made between proposed and adopted versions:

Statutory citations were updated and/or corrected and other clerical changes were made in response to comments received from the Administrative Code Division and JCAR.

The following changes were made in response to comments received during the comment period:

The proposed substantive revisions to Section 1816.42 were withdrawn and are not being adopted.

The title of the statute referred to in Section 1816.43(a)(2)(D) was

changed to "Rivers, Lakes, and Streams Act". The proposed revision to Section 1816.43(b)(4) was withdrawn and is not being adopted.

The first sentence of Section 1816.49(c)(2)(B) was revised to read as follows: "Sufficient spillway capacity to safely pass, adequate storage capacity to safely contain, or a combination of storage capacity and spillway capacity to safely control the design precipitation event when it is demonstrated by the operator and certified by a qualified registered professional engineer in accordance with 62 Ill. Adm. Code 1780.25(a) that the impoundment will safely control the design precipitation event, the water from which shall be safely removed in accordance with current prudent engineering practices."

The following language was removed from Section 1816.116(a)(2)(C): ", which are hereby incorporated by reference and do not include any subsequent editions or amendments,".

The first two sentences of Section 1816.116(b)(2) were revised to read as follows:

Permittees shall submit by February 15 of each year a report of reclamation activities conducted during the previous calendar year, which initiate or may alter the responsibility period or are specifically required by the Department to evaluate a normal husbandry practice, using forms provided by the Department. Examples of reclamation activities to be reported and/or evaluated include but are not limited to crops used in temporary and permanent seedings, grasses and legumes planted, trees and shrubs planted, soil amendments added, and location and type of augmentation activities.

The proposed amendment to Section 1816.117(b) was withdrawn and is not being adopted.

- 12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency?

No formal agreements between the Department and JCAR were necessary to resolve Committee questions.

- 13) Will this rule replace an emergency rule currently in effect? No

- 14) Are there any proposed amendments pending on this Part? No

- 15) Summary and purpose of amendments:

Pursuant to 30 CFR 732.17, the Federal Office of Surface Mining Reclamation and Enforcement notified the Department that portions of its regulations were either less effective than or inconsistent with

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the federal requirements for surface coal mining and reclamation operations. This rulemaking is, in part, a response to the federal mandate that the Department's regulations be consistent with or as effective as their federal counterparts, pursuant to 30 U.S.C. 1253(a)(7). In addition, the Department identified rules that should be amended in order to more effectively carry out its statutory mandate.

Section 1816.49 sets forth requirements regarding impoundments. Subsection (a)(9)(B) has been revised in order to be more consistent with federal regulations and is more specific than federal requirements. Subsection (c)(2) has been revised to be consistent with its federal counterpart rule.

Section 1816.84 sets forth the Department's requirements regarding coal mine waste impounding structures. The amendment to subsection (b)(2) makes the rule consistent with and no less effective than its federal counterpart rule.

Section 1816.116 sets forth the Department's requirements for revegetation success standards. The amendments to subsection (a)(2)(C) further define the normal husbandry practices in the state.

Sections 1816.116(a)(3)(A) and (B) have been revised in order to eliminate confusion as to what ground covers are required for each land use and when in the responsibility period they are to be measured. Sections 1816.116(a)(3)(C) and (E) have been revised in order to insure proper management of cropland, pasture, hayland and grazing land during the responsibility period if the productivity standards have been met prior to the last year of the responsibility period.

Section 1816.116(b)(2) has been revised to provide specificity as to the reasons for the reporting requirement and to provide for any parameter which may need to be reviewed in assessing normal husbandry practices under Section 1816.116(a)(2)(C).

Section 1816.117 sets forth the Department's revegetation requirements for tree and shrub vegetation. The second sentence of subsection (a)(1) has been revised in order to eliminate misinterpretation and make the regulation as effective as its federal counterpart. Subsection (a)(2) has been amended in order to eliminate confusion as to what ground covers are required for each land use. The revision to subsection (a)(5) references all of the fill and gully rules.

Section 1816.117(d)(6) has been deleted and the content reorganized pursuant to the federal directive that Illinois clarify that the 70% standard for vegetative ground cover does not apply in determining revegetation success on previously unmined pasture and/or hayland or

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grazing land, in order to make the regulation as effective as its federal counterpart.

Section 1816.151 establishes performance standards for primary roads. Subsection (b) has been revised in order to be as effective as its federal counterpart rule.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Fred Bowman, Supervisor

Address: Land Reclamation Division
Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10197
Springfield, Illinois 62791-0197

Telephone: (217) 782-4970

The full text of Adopted Amendments begins on the next page:

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TITLE 62: MINING
CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 1816

PERMANENT PROGRAM PERFORMANCE STANDARDS - SURFACE MINING ACTIVITIES

Section	Signs and Markers	Water Quality Standards and Effluent Limitations	Disposal of Excess Spoil: Durable Rock Fills
1816.11	Signs and Markers		1816.74
1816.13	Casing and Sealing of Drilled Holes: General Requirements		1816.75
1816.14	Casing and Sealing of Drilled Holes: Temporary		1816.79
1816.15	Casing and Sealing of Drilled Holes: Permanent		1816.81
1816.21	Topsoil: General Requirements (Repealed)		1816.82
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1816.23	Topsoil: Storage (Repealed)		1816.84
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APPENDIX A

EXHIBIT A

Agricultural Lands Productivity Formula
County Crop Yields by Soil Mapping Unit

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TABLE A	Subsoil Adjustments
TABLE B	Soil Variance Codes
TABLE C	County Numbering System
TABLE D	Sample Points Per Crop Acres
TABLE E	Soil Master Files
TABLE F	County Cropped Acreage File

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.) [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; amended at 6 Ill. Reg. 15024, effective December 30, 1982; codified at 8 Ill. Reg. 8224; amended at 9 Ill. Reg. 13310, effective October 10, 1985; amended at 10 Ill. Reg. 8985, effective July 1, 1986; amended at 11 Ill. Reg. 8131, effective July 1, 1987; amended at 14 Ill. Reg. 11830, effective January 1, 1991; amended at 15 Ill. Reg. 17166, effective January 1, 1992; amended at 17 Ill. Reg. 11001, effective July 1, 1993.

Section 1816.42 Hydrologic Balance: Water Quality Standards and Effluent Limitations

Discharges of water from areas disturbed by surface mining activities shall be made in compliance with the Federal Water Pollution Control Act of 1972, as amended, (30 U.S.C. 1251 et seq.), the Environmental Protection Act (Ill. Rev. Stat. 1985 1991, ch. 111 1/2, pars. 1001 -- 1052 et seq.) [415 ILCS 5/1] and with effluent limitations for coal mining promulgated by the U.S. Environmental Protection Agency set forth in 40 CFR 434 (1986 1992). 40 CFR 434 (1986 1992) does not include any later amendments or editions.

(Source: Amended at 17 Ill. Reg. 11001, effective July 1, 1993)

Section 1816.43 Diversions

a) General Requirements.

- 1) With the approval of the Department, any flow from mined areas abandoned before May 3, 1978, and any flow from undisturbed areas or reclaimed areas, after meeting the criteria of Section 1816.46 for siltation structure removal, may be diverted from disturbed areas by means of temporary or permanent diversions. All diversions shall be designed to minimize adverse impacts to the hydrologic balance within the permit and adjacent areas, to prevent material damage outside the permit area and to assure the safety of the public. Diversions shall not be used to divert water into underground mines without approval of the Department under Section 1816.41(i).

- 2) The diversion and its appurtenant structures shall be designed,

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located, constructed, maintained and used to:

- A) Be stable;
- B) Provide protection against flooding and resultant damage to life and property;
- C) Prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to stream flow outside the permit area. Appropriate sediment control measures for diversions may include, but not be limited to, maintenance of appropriate gradients, channel lining, revegetation, roughness structures, and detention basins; and
- D) Comply with ~~AN--Reg--in--relation-to-the-regulation-of-the-lakes-and-streams-of--the--State--of--Illinois~~ the ~~Rivers, Lakes, and Streams Act~~ (Ill. Rev. Stat. 1985 1991, ch. 19, pars. 52-79) [615 ILCS 5], Section 404 of the Federal Water Pollution Control Act of 1972, as amended (30 U.S.C. 1344), and all local ordinances.

- 3) Temporary diversions shall be removed promptly when no longer needed to achieve the purpose for which they were authorized. The land disturbed by the removal process shall be restored in accordance with this Part. Before diversions are removed, downstream water-treatment facilities previously protected by the diversion shall be modified or removed, as necessary, to prevent overtopping or failure of the facilities. This requirement shall not relieve the permittee from maintaining water treatment facilities as otherwise required. When permanent diversions are constructed or stream channels restored prior to the removal of temporary diversions the permittee shall:
 - A) Establish, restore, enhance where practicable, or maintain natural riparian vegetation on the banks of the stream, including any area that is subject to annual inundation;
 - B) Establish, or restore the stream to its natural meandering shape and to an environmentally acceptable gradient, as determined by the Department; and
 - C) Establish or restore the stream to a longitudinal profile and cross-section, including aquatic habitats (usually a pattern of riffles, pools, and drops rather than uniform depth) that approximate premining stream channel characteristics.
- 4) Diversion design shall incorporate the following:
 - A) Channel lining shall be designed using standard engineering practices to pass safely the design velocities. Riprap shall consist of non-degradable, non-acid or toxic-forming rock such as sandstone, limestone, or other durable rock that will not slake in water and will be free of coal, clay or shale;
 - B) Freeboard shall be no less than 0.3 feet, except as provided for in subsection (a)(5). Protection shall be provided for transition of flows and for critical areas such as swales

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and curves. Where the area protected is a critical area, as determined by the Department, the design freeboard may be increased;

- C) Energy dissipators shall be installed, when necessary, at discharge points where diversions intersect with natural streams and exit velocity of the diversion ditch flow is greater than that of the receiving stream;
- D) Excess excavated material not necessary for diversion channel geometry or regrading of the channel shall be disposed of in accordance with Sections 1816.1 through 1816.74; and
- E) Topsoil shall be handled in compliance with Section 1816.22.

5) If the terrain is such that out-of-bank flows can accommodate the design precipitation event without endangering health or the environment as a result of flooding, such as physical harm or slope failure, the need for diversion ditches may be modified by taking into account channels, banks, and flood plains.

b) Diversions of perennial and intermittent streams.

- 1) Diversions of perennial and intermittent streams within the permit area are subject to Department approval pursuant to Section 1816.57(a).
- 2) The design capacity of channels for temporary and permanent stream channel diversions shall be at least equal to the capacity of the unmodified stream channel immediately upstream and downstream from the diversion.

3) The requirements of subsection (a)(2)(B) shall be met when the temporary and permanent diversions for perennial and intermittent streams are designed so that the combination of channel, bank, and floodplain configuration is adequate to pass safely the peak runoff of a ten (10) year, six (6) hour precipitation event for a temporary diversion and a one hundred (100) year, six (6) hour precipitation event for a permanent diversion.

4) The longitudinal profile of the stream, the channel, and the floodplain shall be designed and constructed to remain stable. Erosion control structures such as channel lining structures, retention basins, and artificial channel roughness structures shall be used in diversions only when approved by the Department as being necessary to control erosion.

5) The design and construction of all stream channel diversions of perennial and intermittent streams shall be sealed by a qualified registered professional engineer as meeting the performance standards of this part.

c) Diversion of miscellaneous flows.

- 1) Miscellaneous flows, which consist of all flows except for perennial and intermittent streams, may be diverted away from disturbed areas if required or approved by the Department to lessen environmental impact. Miscellaneous flows shall include ground water discharges and ephemeral streams.

2) The design, location, construction, maintenance, and removal of

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diversions of miscellaneous flows shall meet all of the performance standards set forth in subsection (a).

- 3) The requirements of subsection (a)(2)(B) shall be met when the temporary and permanent diversions for miscellaneous flows are designed so that the combination of channel, bank, and flood-plain configuration is adequate to pass safely the peak runoff of a two (2) year, six (6) hour precipitation event for a temporary diversion and a ten (10) year, six (6) hour precipitation event for a permanent diversion.

(Source: Amended at 17 Ill. Reg. 11001, effective July 1, 1993)

Section 1816.49 Impoundments

a) The requirements of this subsection apply to both temporary and permanent impoundments.

- 1) Impoundments meeting the size and other qualifying criteria of 30 CFR 77.216(a) shall comply with the requirements of 30 CFR 77.216 (1991) and this Section. 30 CFR 77.216 does not include any later editions or amendments. The plan required to be submitted to the District Manager of the Mine Safety and Health Administration (MSHA) under 30 CFR 77.216 shall also be submitted to the Department as part of the permit application insofar as the MSHA informational design standard requirements are duplicative of the requirements of 62 Ill. Adm. Code 1780. In addition, the operator shall submit to the Department any certification issued by MSHA with respect to the design plan.

2) The design of impoundments shall be sealed in accordance with 62 Ill. Adm. Code 1780.25(a) as designed to meet the requirements of this Part using current, prudent engineering practices. The qualified registered professional engineer shall be experienced in the design and construction of impoundments.

3) Stability.

- A) An impoundment meeting the size or other criteria of 30 CFR 77.216(a) or located where failure would be expected to cause loss of life or serious property damage shall have a minimum static safety factor of 1.5 for a normal pool with steady state seepage saturation conditions, and a seismic safety factor of at least 1.2.

- B) Impoundments not meeting the size or other criteria of 30 CFR 77.216(a), except for a coal mine waste impounding structure, and located where failure would not be expected to cause loss of life or serious property damage shall have a minimum static safety factor of 1.3 for a normal pool with steady state seepage saturation conditions, or meet the design, construction and maintenance requirements of U.S. Soil Conservation Service Practice Standard 378, "Ponds," April 1987. Practice Standard 378 is hereby incorporated by

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reference and does not include later editions or amendments. Impoundments shall have adequate freeboard to resist overtopping by waves and by sudden increases in storage volume.

5) Foundations.

A) Foundations and abutments for an impounding structure shall be stable during all phases of construction and operation and shall be designed based on adequate and accurate information on the foundation conditions. For an impoundment meeting the size or other criteria of 30 CFR 77.216(a), foundation investigation, as well as any necessary laboratory testing of foundation material, shall be performed to determine the design requirements for foundation stability.

B) All vegetative and organic materials shall be removed and foundations excavated and prepared to resist failure. Cutoff trenches shall be installed if necessary to ensure stability.

6) Slope protection shall be provided to protect against surface erosion at the site and protect against sudden drawdown.

7) Faces of embankments and surrounding areas shall be vegetated, except that faces where water is impounded may be riprapped or otherwise stabilized in accordance with accepted design practices.

8) Impoundments shall include a combination of principal and emergency spillways which shall be designed and constructed to safely pass the design precipitation event specified in subsection (b) or (c).

9) Inspections. A qualified registered professional engineer or other qualified professional specialist, under the direction of the professional engineer, shall inspect the impoundment. The professional engineer or specialist shall be experienced in the construction of impoundments, as evidenced by the placement of a registered professional engineer's seal on the inspection report.

A) Impoundments meeting the size or other criteria of 30 CFR 77.216(a) shall be inspected, examined and certified in accordance with 30 CFR 77.216. Annual status reports required under 30 CFR 77.216-4 shall be submitted to the Department within 30 days after the reporting period.

B) All other impoundments shall be inspected at least weekly quarterly during construction, provided at least one (1) inspection is conducted for impoundments completed in less than one (1) quarter, and upon completion of construction. The qualified registered professional engineer shall submit to the Department within thirty (30) days after each inspection, a sealed report that the impoundment has been constructed as designed and in accordance with the approved plan and these regulations.

C) A copy of the reports required in subsections (a)(9)(A) and (B) above, and the examination reports required in

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subsection (a)(10) below, shall be retained at or near the mine site. The Department may approve reports being retained at a different location if there is no permanent mine office.

10) Impoundments which do not meet the size or other qualifying criteria of 30 CFR 77.216(a) shall be examined at least quarterly by a qualified person designated by the permittee for appearances of instability, structural weakness or other hazardous conditions. At least one of the quarterly examinations conducted during the calendar year shall be sealed by a qualified registered professional engineer and shall include a discussion of any appearances of instability, structural weakness or other hazardous conditions, and any other aspects of the structure affecting stability, and a statement indicating the pond has been maintained in accordance with the approved plan and these regulations. This examination shall be conducted during the period of October 1 through December 31 of each calendar year. The sealed examination report shall be submitted to the Department within 30 days of the examination. Impoundment examinations shall be conducted until the impoundment has been removed or until final bond release in accordance with 62 Ill. Adm. Code 1800.40. If the operator can demonstrate that failure of the structure would not create a potential threat to public health and safety or threaten significant environmental harm, the following impoundments shall be exempt from the all examination requirements of this subsection, following approval by the Department:

- A) Impoundments that are completely incised;
- B) Water impounding structures that impound water to a design elevation no more than five (5) feet above the upstream toe of the structure and that can have a storage volume of not more than twenty (20) acre-feet; provided the exemption request is accompanied by a report sealed by a registered professional engineer licensed in the State of Illinois, accurately describing the hazard potential of the structure. Hazard potential must be such that failure of the structure would not create a potential threat to public health and safety or threaten significant environmental harm. The report shall be field verified by the Department prior to approval and periodically thereafter. The Department may terminate the exemption if so warranted by changes in the area downstream of the structure or in the structure itself; and
- C) Impoundments that do not facilitate mining or reclamation including, but not limited to, sewage lagoons, landscaping ponds, pools or wetlands in replaced stream channels, existing impoundments not yet used to facilitate mining, ephemeral waterbodies, active mining pits and differential settlement pools.

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11) If any examination or inspection discloses that a potential hazard exists, the person who examined the impoundment shall promptly inform the Department of the finding and of the emergency procedures formulated for public protection and remedial action. If adequate procedures cannot be formulated or implemented, the Department shall be notified immediately. The Department shall then notify the appropriate agencies that other emergency procedures are required to protect the public.

b) Permanent impoundments. A permanent impoundment of water may be created, if authorized by the Department in the approved permit, based upon the following demonstration:

- 1) The size and configuration of the impoundment is adequate for its intended purposes.
- 2) The quality of impounded water will be suitable on a permanent basis for its intended use and, after reclamation, will meet water quality standards set forth in Section 1816.42, and discharges from the impoundment will meet applicable effluent limitations and will not degrade the quality of receiving water below water quality standards set forth in Section 1816.42.
- 3) The water level will be sufficiently stable and be capable of supporting the intended use.
- 4) Final grading will provide for adequate safety and access for proposed water users.
- 5) The impoundment will not result in the diminution of the quality and quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses.
- 6) The impoundment will be suitable for the approved post-mining land use.
- 7) The impoundment perimeter slopes shall be consistent with the intended use of the impoundment, not be steeper than the angle of repose and comply with subsection (a)(3). Where surface runoff enters the impoundment area, the side slope shall be protected against erosion.

A) Runoff from above the slope shall be diverted to erosion free outlets.

B) Grading of slopes shall be scheduled to be completed at the onset of the most favorable seeding period.

8) Embankment ponds, those having embankment heights of three (3) feet or greater above natural ground elevation, shall have outslopes of 1v:2h or less and interior slopes to the normal pool elevation of 1v:2h or less.

9) Permanent impoundments not meeting the size or other qualifying criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a twenty-five (25) year, six (6) hour precipitation event, or such larger event as may be specified by the Department based on factors such as terrain, topography and soil type. Permanent impoundments meeting the size or other criteria of 30 CFR 77.216(a) shall be provided with a spillway

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that will safely discharge a one hundred (100) year, six (6) hour precipitation event, or such larger event as may be specified by the Department based on factors such as terrain, topography and soil type.

10) In lieu of the combination principal and emergency spillway requirements of Section 1816.49(a)(8), an impoundment may have a single spillway configured as set forth in subsections (b)(10)(A) and (b)(10)(B) that is designed and constructed to safely pass the applicable design precipitation specified in subsection (b)(9). The Department shall approve a single open-channel spillway that is:

- A) Of nonerodible construction and designed to carry sustained flows; or
- B) Earth or grass-lined and designed to carry short-term, infrequent flows at non-erosive velocities where sustained flows are not expected.

c) Temporary impoundments.

1) Temporary impoundments not meeting the size or other qualifying criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a twenty-five (25) year, six (6) hour precipitation event or such larger event as may be required by the Department based on factors such as terrain, topography and soil type. Temporary impoundments meeting the size or other criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a one hundred (100) year, six (6) hour precipitation event, or such larger event as may be specified by the Department based on factors such as terrain, topography and soil type.

2) In lieu of the combination principal and emergency spillway requirements of Section 1816.49(a)(8), an impoundment may have either a single spillway configured as set forth in subsections (c)(2)(A)(i) and (c)(2)(B) that is designed and constructed to safely pass the applicable design precipitation specified in subsection (c)(1). The Department shall approve a single open-channel spillway that is:

- A) Of nonerodible construction and designed to carry sustained flows; or

A single spillway configured as set forth in subsection (c)(2)(A)(i) or (c)(2)(A)(ii) that is designed and constructed to safely pass the applicable design precipitation specified in subsection (c)(1). The Department shall approve a single open-channel spillway that is:

- i) Of nonerodible construction and designed to carry sustained flows; or
- ii) Earth or grass-lined and designed to carry short-term, infrequent flows at non-erosive velocities where sustained flows are not expected; or

B) Earth or grass-lined and designed to carry short-term,

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infrequent-flows-at-non-erosive-velocities--where--sustained flows-are-not-expected--

Sufficient spillway capacity to safely pass, adequate storage capacity to safely contain, or a combination of storage capacity and spillway capacity to safely control the design precipitation event when it is demonstrated by the operator and certified by a qualified registered professional engineer in accordance with 62 Ill. Adm. Code 1780.25(a) that the impoundment will safely control the design precipitation event, the water from which shall be safely removed in accordance with current prudent engineering practices. Impounding structures relying on this method to control runoff shall be located where failure would not be expected to cause loss of life or serious property damage, except where:

- i) In the case of an impoundment meeting the size or other criteria of 30 CFR 77.216(a), it is designed to control the precipitation of the probable maximum precipitation of a 6-hour event, or greater event as specified by the Department;
- ii) In the case of an impoundment not meeting the size or other criteria of 30 CFR 77.216(a), it is designed to control the precipitation of a 100-year 6-hour event, or greater event as specified by the Department.

(Source: Amended at 17 Ill. Reg. 11001, effective July 1, 1993)

Section 1816.84 Coal Mine Waste: Impounding Structures

New and existing impounding structures constructed of coal mine waste or intended to impound coal mine waste shall meet the requirements of Section 1816.81.

- a) Coal mine waste shall not be used for construction of impounding structures unless it has been demonstrated to the Department that the stability of such a structure conforms to the requirements of this Part and the use of coal mine waste will not have a detrimental effect on downstream water quality or the environment due to acid seepage through the impounding structure. The stability of the structure and the potential impact of acid mine seepage through the impounding structure shall be discussed in detail in the design plan submitted to the Department in accordance with 62 Ill. Adm. Code 1780.25.
- b) Construction Requirements
 - 1) Each impounding structure constructed of coal mine waste or intended to impound coal mine waste shall be designed, constructed and maintained in accordance with Section 1816.49(a) and (c). Such structures may not be retained permanently as part of the approved post-mining land use.
 - 2) Each impounding structure constructed of coal mine waste or

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intended to impound coal mine waste that meets the criteria of 30 CFR 77.216(a) shall have sufficient spillway capacity to safely pass, adequate storage capacity to safely contain, or a combination of storage capacity and spillway capacity to safely control the probable maximum precipitation of a 6-hour precipitation event or greater event as specified by the Department after consideration of factors such as watershed size and characteristics necessary to ensure design in accordance with prudent engineering practices.

- c) Spillways and outlet works shall be designed to provide adequate protection against erosion and corrosion in accordance with Section 1816.47. Inlets shall be protected against blockage.
- d) Drainage control. Runoff from areas above the disposal facility or runoff from the surface of the facility that causes instability or erosion of the impounding structure shall be diverted into stabilized diversion channels designed to meet the requirements of Section 1816.43 and designed to safely pass the runoff from a one hundred (100) year, six (6) hour design precipitation event.
- e) Impounding structures constructed of or impounding coal mine waste shall be designed so that at least ninety (90) percent of the water stored during the design precipitation event can be removed within a ten (10) day period.
- f) For an impounding structure constructed of or impounding coal mine waste, at least ninety (90) percent of the water stored during the design precipitation event shall be removed within the 10-day period following the design precipitation event.

(Source: Amended at 17 Ill. Reg. 11001, effective July 1, 1993)

Section 1816.116 Revegetation: Standards for Success

- a) Success of Revegetation
 - 1) Success of revegetation shall be judged in accordance with Sections 1816.116 and 1816.117.
 - 2) Requirements
 - A) The period of extended responsibility for successful revegetation shall begin after the last year of augmented seeding, fertilizing, irrigation, or other work, excluding husbandry practices that are approved by the Department in accordance with subsection (a)(2)(C) below.
 - B) The period of extended responsibility shall continue for a period of not less than five (5) full years. Vegetation parameters identified in subsection (a)(1) shall equal or exceed the approved success standard set forth in subsection (a)(3).
 - C) The Department shall approve selective husbandry practices, excluding irrigation or augmented seeding or augmented fertilization, or irrigation, without extending the period

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of responsibility for revegetation success and bond liability, if such practices can be expected to continue as part of the post-mining land use or if discountinuation of the practices after the liability period expires will not reduce the probability of permanent revegetation success. Approved practices shall be normal conservation and land use management practices within the region for unmined lands having land uses similar to the approved post-mining land use of the disturbed area, including such practices as disease, pest, and vermin control; and any pruning, reseeding and/or transplanting specifically necessitated by such actions; approved agricultural practices described in the Illinois Agronomy Handbook (1993-94); and those practices which are a part of an approved conservation plan subject to the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 1421 et seq.). On all lands with a postmining land use other than cropland, any areas reserved or replanted as a part or result of a normal husbandry practice must be sufficiently small in size and limited in extent of occurrence, or part of a hay management plan which is an agricultural practice described by the Illinois Agronomy Handbook or as part of an approved conservation plan subject to the Food, Agriculture, Conservation and Trade Act of 1990, and the reestablished vegetation must be in place for a sufficient length of time so as not to adversely affect the Department's ability to make a valid determination at the time of bond release as to whether the site has been properly reclaimed to a condition in which it will support a diverse, effective, permanent vegetative cover of the required nature and productivity. The Illinois Agronomy Handbook is published by the University of Illinois-Cooperative Extension Service, Office of Agricultural Communications and Education, 698 Mumford Hall, 1301 West Gregory Drive, Urbana, Illinois 61801. Copies of the Illinois Agronomy Handbook and the Food, Agriculture, Conservation, and Trade Act of 1990 are available at the Department's Springfield office located at 300 West Jefferson, Suite 300, P.O. Box 10197, Springfield, Illinois 62791-0197.

- D) Fill and gully repair on cropland-capable reclaimed land will not be considered augmentation if an operator has an approved erosion control plan in place in the field pursuant to 62 Ill. Adm. Code 1823.14(g) or 1825.14(f), and shortly after the first rainfall event after the repair, the Department makes the following determinations:
- i) the area is a minor erosional feature;
 - ii) the area is small;
 - iii) the erosion is not expected to recur; and
 - iv) the area is stable.

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The Department shall notify the permittee in writing whether or not a repair is augmentative. Such written notice shall be in the form of an inspection report or other document issued by the Department.

- E) Fill and gully repair on noncropland-capable land will not be considered augmentation if, shortly after the first rainfall event after the repair, the Department makes the following determinations:
- i) the area is a minor erosional feature;
 - ii) the area is small;
 - iii) the erosion is not expected to recur; and
 - iv) the area is stable.

The Department shall notify the permittee in writing whether or not a repair is augmentative. Such written notice shall be in the form of an inspection report or other document issued by the Department.

F) Augmentation

- i) In those cases where a permittee augments any high capability cropland areas in order to achieve the revegetation success standards of subsection (a)(3)(C) above, the permittee shall apply the same or superior augmentation measures to all other high capability lands reclaimed using the same techniques and the five (5) year period of responsibility shall recommence. The Department shall waive augmentation if the other high capability areas have been previously augmented in a similar or superior manner or have met the revegetation success standards for cropland or the permittee can document a minimum of three (3) years of successful woody species establishment for forest products and wildlife habitat land uses as required by Section 1816.117(a). If the woody species have been planted less than three (3) years prior to the augmentation of the high capability cropland areas, the Department shall grant additional time to evaluate the success of the woody species planting.
- ii) The five (5) year period of responsibility shall not recommence on areas where the operator has met the revegetation success standards of subsection (a)(3)(E) above.
- iii) If high capability cropland is augmented the Department shall retain sufficient performance bond at the time of phase II performance bond release to ensure the cost of similarly augmenting all other high capability lands, if required, is covered in the remaining bond amount.

- 3) Ground cover and production shall be considered equal to the approved success standard when they are not less than ninety (90) percent of the success standard. The sampling techniques for

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measuring success shall use a ninety (90) percent statistical confidence interval (i.e., one-sided t test with a 0.10 alpha error). Vegetative ground cover shall be measured using the technique set forth in 62 Ill. Adm. Code 1816.11(d). Standards for success shall be applied in accordance with the approved post-mining land use and, at a minimum, the following conditions:

A) The vegetative ground cover for areas previously disturbed by mining operations that were not reclaimed to the requirements 62 Ill. Adm. Code 1810 through 1828 and that are remined or otherwise redistributed by surface coal mining operations, shall not be less than the greater of 70% or the percentage of ground cover existing before redistribution, and shall be adequate to control erosion during the last year of the responsibility period;

B) For areas to be developed for industrial, commercial or residential use less than two (2) years after regrading is completed, the vegetative ground cover shall not be less than that required to control erosion and shall not be less than 70%;

C) For areas designated in the approved reclamation plan as cropland, except those cropland areas subject to 62 Ill. Adm. Code 1823.15, success of revegetation of cropland areas shall be determined in accordance with subsection (a)(4) below. Crop production shall be considered successful if it is ninety (90) percent of that crop production required in subsection (a)(4) with ninety (90) percent statistical confidence (i.e., one-sided t test with a 0.10 alpha error) for a minimum of any two (2) crop years of a ten (10) year period prior to release of the performance bond, except the first year of the five (5) year responsibility period. During the extended five (5) year responsibility period, erosion from cropland must be minimized using equivalent or better management practices than surrounding unmined cropland. The five (5) year responsibility period shall begin after the last year of augmented seeding, fertilizing, or soil treatment and at the time of the planting of the crop(s) to be grown for the productivity showing or crops grown in rotation. Crop production for proof of productivity purposes shall be initiated within ten (10) years after completion of backfilling and final grading. All cropland shall be maintained using proper management practices as set forth in subsection (a)(2)(C) above until the end of the responsibility period;

D) For areas to be developed for fish and wildlife habitat (including shelter belts), recreation, or forest products land uses, success of revegetation shall be determined on the basis of tree and shrub populations and ground cover. The tree and shrub population and ground cover shall meet the standards described in Section 1816.117; and

E) For areas designated as pasture and/or hayland or grazing land in the approved reclamation plan, except for erosion control devices and other structures (i.e., levees, ditches, waterways, impounding structures, etc.), success of revegetation (tons of grasses and/or legumes per acre) shall be determined in accordance with subsection (a)(4). Productivity shall be considered successful if it is ninety (90) percent of the productivity required in subsection (a)(4) with ninety (90) percent statistical confidence (i.e., one-sided t test with a 0.10 alpha error) for a minimum of any two (2) crop years of a ten (10) year period prior to release of the performance bond, except the first year of the five (5) year extended responsibility period. Revegetation success shall also be determined in accordance with Section 1816.117-(a)(2). All pasture, hayland and grazing land shall be maintained using proper management practices as set forth in subsection (a)(2)(C) above until the end of the responsibility period. Production for proof of productivity purposes shall be initiated within ten (10) years after completion of backfilling and final grading. On high capability land, the Department shall allow the permittee to substitute corn production for hay production. This substitution shall be limited to one (1) attempt regardless of success.

4) In order to use the Agricultural Lands Productivity Formula, Section 1816. Appendix A, to determine success of revegetation, the following shall apply:

A) The permittee shall submit annually, by February 15, a one (1) inch equals five hundred (500) feet (1:500) or larger scale drawing or aerial photograph delineating:

i) Field boundaries, a field numbering scheme and the total acreage for each field which will be cropped to demonstrate proof of productivity for the coming crop year. The Department shall approve such submittal if the information is correct and accurate. Once field boundaries are established in a submittal, the boundaries shall not be changed without recommencing the responsibility period, unless the submittal is amended in accordance with subsection (a)(4)(A)(ii) below; and

ii) The crop (e.g., hay, wheat, corn, soybeans, sorghum, etc.) which will be grown on each field to demonstrate proof of productivity for the coming crop year. The permittee may amend its scale drawing in accordance with 62 Ill. Adm. Code 1774.13(b)(2) until July 15 of the submittal year. Each such amendment shall contain a written explanation of changes from the original submittal and include a map reflecting the changes.

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A field is an area of land reclaimed by a single reclamation technique that comprises either high capability land or prime farmland or limited capability pasture land. The size of the field and its boundaries are determined by such factors which include, but are not limited to, contour, non-cropped boundaries and size of farming equipment.

B) Fields identified in subsection (a)(4)(A) above to be measured for success of revegetation for cropland shall be planted annually to a single approved crop. The sampling method of Section 1816.117 Appendix A shall apply. Soil and water conservation practices approved in the permit application including but not limited to grass waterways, diversion ditches, contour grass strips, and sedimentation ponds within the boundaries of a field shall be excluded from the sampling requirements of Section 1816.117 Appendix A and shall remain vegetated with permanent ground cover species, where appropriate, to conserve soil and water resources. Subject to rulemaking, the Department in cooperation with the Illinois Department of Agriculture may determine if a portion of a field is a representative sample of the entire field when technology has developed to make it possible through physical and chemical agronomic testing to demonstrate success of vegetation through soil surveys or when statistically valid sampling procedures are developed for determining success of revegetation based upon cropping and sampling a representative portion of the field.

C) Adjustments for abnormal growing conditions shall be made if such adjustments are certified by a crop adjuster certified to perform adjustments by the Federal Crop Insurance Corporation. At the request of a permittee, the Department of Agriculture shall make arrangements for such an appraisal or adjustment review. Before any such an appraisal or adjustment shall be arranged, the permittee shall file with the Illinois Department of Agriculture an agreement to pay the full cost of any crop adjustment or appraisal so requested.

D) The crops to be grown shall include those commonly grown on surrounding unmined cropland such as corn, soybeans, hay, sorghum, wheat, or oats. The Department may approve a hay crop use where this is a common use of unmined cropland in the surrounding area. Prime farmland and other cropland areas must include a minimum of one (1) successful year of corn and if the Department has approved its use a maximum of one (1) successful year each of hay and wheat crops.

b) The person who conducts surface mining activities shall:

- 1) Conduct periodic measurements of vegetation, soils, and water prescribed or approved by the Department, to identify if remedial actions are necessary during the applicable period of liability

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- 2) specified in subsection (a); and
- 2) Permittees shall submit by February 15 of each year a report of reclamation activities conducted during the previous calendar year, which initiate or may alter the responsibility period or are specifically required by the Department to evaluate a normal husbandry practice, using forms provided by the Department. Examples of reclamation reclamation activities to be reported and/or evaluated include but are not limited to crops used in temporary and permanent seedings, grasses and legumes planted, trees and shrubs planted, soil amendments added, and location and type of augmentation activities. The forms shall be submitted with a copy of the approved post-mining land use and capability map depicting the location of such activities. The map shall be planned as a continuous map so the reclamation activities conducted each year may be added and indicated on the map by the dates the activities were conducted.

(Source: Amended at 17 Ill. Reg. 11001, effective July 1, 1993)

Section 1816.117 Revegetation: Tree and Shrub Vegetation

- a) For areas to be developed for fish and wildlife habitat (including shelter belts), recreation, or forest products land uses, success of vegetation shall be determined on the basis of tree and shrub population and vegetative ground cover. Such parameters are described as follows:

- 1) Trees and shrubs that will be used in determining the success of vegetation and the adequacy of plant arrangement shall have utility for the approved post-mining land use. Tree and/or shrub population shall be considered successful if it meets the population required in subsection (b) above with ninety (90) percent statistical confidence (i.e., one-sided t test with a 0.10 alpha error) during the ~~test~~ fifth year of the responsibility period or later in the responsibility period. Trees and shrubs counted in determining such success shall be healthy, e.g. not demonstrating abnormal growth, coloring, leaf drop or disease. At the time of bond release such trees and shrubs shall be alive, and shall have been in place for at least three (3) growing seasons, i.e. three (3) years.
- 2) Vegetative ground cover shall not be less than required to achieve the approved post-mining land use and shall be adequate to control erosion and shall not be less than 70% during the last year of the responsibility period.
- 3) Permanent roads, parking lots and similar impervious structures on the revegetated area shall not require the planting of trees and shrubs or herbaceous ground cover.
- 4) For purposes of this Section, herbaceous species means grasses, legumes and nonleguminous forbs; woody plants means woody shrubs,

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trees and vines; and ground cover means the area of ground covered by the combined aboveground parts of vegetation and the litter that is produced naturally on site.

- 5) For purposes of this Section, normal husbandry and conservation practices shall include pruning, disease, pest, vermin and herbaceous vegetation control including mowing, replanting, and rill and gully repairs. The replanting of trees and shrubs in areas described in 62 Ill. Adm. Code 1816.116(a)(2)(C) shall be limited to 20% of the original approved planting rate during the first year of the responsibility period and 10% of the original approved planting rate during the second year of the responsibility period. The repair of rills and gullies shall be limited to those approved as a normal conservation practice under 62 Ill. Adm. Code 1816.116(a)(2)(C), (D) and (E).

- b) For areas where woody plants are used for fish and wildlife habitat (including shelter belts), or recreation land uses, the area shall have a minimum population of two hundred and fifty (250) trees or shrubs per acre; where woody plants are used for forest products land uses, the area shall have a minimum population of four hundred and fifty (450) trees or shrubs per acre.

- c) For areas planted to trees or shrubs including wildlife habitat (including shelter belts), recreation, and forest products land uses, the sampling procedure for measuring populations is described as follows:

- 1) The permittee shall submit a scale drawing or aerial photograph delineating the area(s) to be sampled and the total number of acres in each area. A one (1) inch equals five hundred (500) feet (1:500) or larger scale shall be used.

- 2) One of the following circular plot sizes shall be selected by the sample enumerator:

Plot Size/Acres	Radius/Feet
1/160	9.31
1/120	10.75
1/100	11.78
1/90	12.41
1/80	13.17
1/70	14.07
1/60	15.20
1/50	16.65
1/40	18.61
1/30	21.50
1/20	26.33
1/10	37.24
1/5	52.66
1/4	58.88

- 3) The number of plots needed to sample 2.5 percent of the area will be calculated employing the following formula:

Number of Plots equals 2.5 percent multiplied by
Sample Area in acres divided by plot size.

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- 4) Based on the number of plots needed to be sampled and plot size, locate transect lines an equal distance apart throughout the area to be sampled. Position individual plots an equal distance apart along transect lines. Determine the total length of all transect lines combined and then divide by the total number of plots needed to be sampled. When an individual plot is positioned within sixty (60) feet of the boundary of the area to be sampled, the location of the plot shall be moved perpendicular to the transect line until the plot is sixty (60) feet from the boundary of the area to be sampled or the greatest distance possible where sixty (60) feet cannot be achieved.

- 5) Sample each plot for compliance with subsections (a)(1) and (b) and record live trees and/or shrubs and species.

- 6) Calculate population levels as follows:

- A) Average number of live trees and/or shrubs per plot equals total number of live trees and/or shrubs divided by number of plots; and

- B) Number of live trees and/or shrubs per acre equals average number of live trees and/or shrubs per plot multiplied by plot size denominator.

- 7) Representatives of the Department or the Illinois Department of Conservation shall conduct all sampling.

- d) Vegetative ground cover shall be measured by the following technique:

- 1) Twenty (20) random points shall be identified in the area to be tested.

- 2) A twenty (20) foot engineer's tape shall be extended directly south of each point. If the tape extends beyond the boundary of the area to be tested or extends into an area where herbaceous ground cover has been controlled with herbicides to minimize competition with woody plants, the tape shall be rotated in ninety (90) degree increments until the entire twenty (20) foot length is within the boundary of the area to be tested or area not treated with the herbicide.

- 3) A measurement shall be taken at each two tenths (.2) foot increment directly above or below the tape.

- 4) Ground cover shall be determined to be present if any vegetation identified in Section 1816.117(a)(4) is measured at the increment.

- 5) A percentage of ground cover shall be established for the area tested by taking the total number of measurements where ground cover was determined to be present.

- 6) ~~If the vegetative ground cover is adequate to control erosion, the absence of rills and gullies, and sufficient to achieve its approved post-mining land use, the percentage of ground cover determined by this technique shall be deemed successful; provided the average ground cover is 70% or greater.~~

(Source: Amended at 17 Ill. Reg. 11001, effective July 1, 1993)

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Section 1816.151 Primary Roads

Primary roads shall meet the requirements of Section 1816.150 and the additional requirements of this Section.

- a) Certification. The construction or reconstruction of primary roads shall be certified in a report to the Department by a qualified registered professional engineer. The professional engineer shall be experienced in the design and construction of roads, as evidenced by the placement of a registered professional engineer's seal on the report. The report shall indicate that the primary road has been constructed or reconstructed as designed and in accordance with the approved plan.

- b) Safety Factor. ~~Each primary road embankment shall have side slopes of 2H:1V or flatter, or shall be shown to have a minimum static factor of safety of 1.3. All primary road embankments shall be designed and constructed using current and prudent engineering practices. Each primary road embankment shall be shown to have a minimum static factor of safety of 1.3, or shall be designed in compliance with the following design standards:~~
 - 1) ~~The embankment foundation area shall be cleared of all organic material and the entire foundation surface shall be scarified;~~
 - 2) ~~If the natural slope of the foundation as measured at right angles to the roadway center line is steeper than 4H:1V, the embankment shall be benched into the existing slope beginning at the embankment toe and then filled with compacted level lifts;~~
 - 3) ~~The embankment fill material shall be free of sod, large roots and other large vegetative matter;~~
 - 4) ~~The fill shall be brought up in horizontal layers of such thickness as required to facilitate compaction in accordance with prudent construction standards;~~
 - 5) ~~The moisture content of the fill material shall be sufficient to secure proper compaction;~~
 - 6) ~~The side slopes of the embankment shall be no steeper than 2H:1V;~~
 - 7) ~~Maximum fill height shall be twenty-five (25) feet as measured from natural ground at the downstream toe to the top of the embankment;~~
 - 8) ~~Embankments shall have a minimum top width of $(H + .75)/5$, where "H" is the embankment height as measured from natural ground at the downstream toe to the top of the embankment, and shall be adequate for the intended use.~~

- c) Location.
 - 1) To minimize erosion, a primary road shall be located, insofar as is practicable, on the most stable available surface.
 - 2) Fords of perennial or intermittent streams by primary roads are prohibited unless they are specifically approved by the Department as temporary routes during periods of road construction.

- d) Drainage control. In accordance with the approved plan:
 - 1) Each primary road shall be constructed or reconstructed, and

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maintained to have adequate drainage control, using structures such as, but not limited to bridges, ditches, cross-drains and ditch relief drains. The drainage control system shall be designed to safely pass the peak runoff from a 10-year, 6-hour precipitation event, or greater event as specified by the Department as necessary to ensure proper drainage control design in accordance with prudent engineering practices;

- 2) Drainage pipes and culverts shall be installed as designed, and maintained in a free and operating condition and to prevent or control erosion at inlets and outlets;
- 3) Drainage ditches shall be constructed and maintained to prevent uncontrolled drainage over the road surface and embankment;
- 4) Culverts shall be installed and maintained to sustain the vertical soil pressure, the passive resistance of the foundation, and the weight of vehicles using the road;
- 5) Natural stream channels shall not be altered or relocated without the prior approval of the Department in accordance with applicable sections of 62 Ill. Adm. Code 1816.41 through 1816.43 and 1816.57; and
- 6) Except as provided in Section 1816.151 subsection (c)(2) above, structures for perennial or intermittent stream channel crossings shall be made using bridges, culverts, low-water crossings, or other structures designed, constructed, and maintained using current, prudent engineering practices. The Department shall ensure that low-water crossings are designed, constructed and maintained to prevent erosion of the structure or streambed and additional contributions of suspended solids to streamflow.
- e) Surfacing. Primary roads shall be surfaced with material approved by the Department as being sufficiently durable for the anticipated volume of traffic and the weight and speed of vehicles using the road.

(Source: Amended at 17 Ill. Reg. 11001, effective July 1, 1993.)

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NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Permit Applications--Minimum Requirements for Legal, Financial, Compliance, and Related Information
- 2) Code Citation: 62 Ill. Adm. Code 1778
- 3) Section Numbers:
1778.15
Adopted Action:
Amended
- 4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (225 ILCS 720) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).
- 5) Effective Date of Amendments: July 1, 1993
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No
- 8) Date filed in agency's principal office: July 1, 1993
- 9) Date Notice of Proposed Amendments published in Illinois Register:
July 10, 1992; 16 Ill. Reg. 10758
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Changes made between proposed and adopted versions:
No substantive changes were made between the proposed and adopted versions. Stylistic changes were made based upon comments received from the Administrative Code Division.
- 12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency?
No formal agreements between the Department and JCAR were necessary to resolve Committee questions.
- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any proposed amendments pending on this Part? No
- 15) Summary and purpose of amendments:

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The Department identified rules that should be amended in order to more effectively carry out its statutory mandate.

Section 1778.15 sets forth right of entry requirements for permit applications. The first revision to subsection (a) is intended to eliminate confusion. The second revision to subsection (a) makes clear that the mere submittal of documents does not suffice for right of entry purposes. New subsection (e) makes clear that permit applicants claiming valid existing rights must comply with additional permitting requirements as well as references those requirements.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Fred Bowman, Supervisor

Address: Land Reclamation Division
Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10197
Springfield, Illinois 62791-0197

Telephone: (217) 782-4970

The full text of Adopted Amendments begins on the next page:

TITLE 62: MINING

CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 1778

PERMIT APPLICATIONS--MINIMUM REQUIREMENTS

FOR LEGAL, FINANCIAL, COMPLIANCE, AND RELATED INFORMATION

- Section
- 1778.4
- Responsibility (Repealed)
- 1778.11
- Applicability (Repealed)
- 1778.13
- Identification of Interests
- 1778.14
- Violation Information
- 1778.15
- Right of Entry Information
- 1778.16
- Relationship to Areas Designated Unsuitable for Mining
- 1778.17
- Permit Term
- 1778.18
- Insurance
- 1778.20
- Identification of Location of Public Office for Filing of Application (Repealed)
- 1778.21
- Proof of Publication
- 1778.22
- Facilities or Structures Used in Common

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.) [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 9348; amended at 11 Ill. Reg. 8368, effective July 1, 1987; amended at 14 Ill. Reg. 11873, effective January 1, 1991; amended at 15 Ill. Reg. 17265, effective January 1, 1992; amended at 17 Ill. Reg. 11027, effective July 1, 1993.

Section 1778.15 Right of Entry Information

- a)
- An application shall contain a description of the documents upon which the applicant bases his or her legal right to enter and begin surface coal mining and reclamation operations in the permit area and in the shadow area, and whether that right is the subject of pending litigation; however, no such information will be required for surface estates which overlie underground mine workings and will not be disturbed by surface facilities and related surface activities. The description shall identify those documents by type and date of execution, identify the specific lands to which the document pertains, and explain the legal rights claimed by the applicant, including the right to subside within the shadow area. The Department will not be liable in any way if the claimed right to enter and begin surface mining activities has been, or is later, adjudicated invalid by a court of competent jurisdiction. Documents shall not be submitted to the Department in lieu of the description identified in this subsection; however, the Department may subsequently require the

- b)
- For surface mining activities where the private mineral estate to be mined has been severed from the private surface estate, the application shall also provide for lands within the permit area:
- 1)
- A copy of the written consent of the surface owner to the extraction of coal by surface mining methods;
- 2)
- A copy of the conveyance that expressly grants or reserves the right to extract the coal by surface mining methods; or
- 3)
- If the conveyance does not expressly grant the right to extract the coal by surface mining methods, documentation that under the applicable State law, the applicant has the legal authority to extract the coal by those methods.

- c)
- Nothing in this Section shall be construed to afford the Department the authority to adjudicate property title disputes.
- d)
- In satisfaction of the requirements of this Section the Department may accept, as part of a permit application, a statement, notarized and attested to the truth of the statement, signed by an attorney licensed to practice law in the State of Illinois, the applicant has the legal right to enter and commence the surface coal mining and reclamation operations proposed in the application. The statement shall identify the documents upon which it is based by type and date of execution, identify the specific lands to which each document pertains, and explain the legal rights claimed by the applicant. If subsection (b) applies, such statement shall also include copies of the documents as required in subsections (b)(1) through (3).

- e)
- An application in which the applicant claims to have valid existing rights to conduct surface coal mining operations within an area where mining is prohibited or limited under 62 Ill. Adm. Code 1761.11 shall contain the necessary information and meet the requirements of Section 1778.16 and 62 Ill. Adm. Code 1761.12.

(Source: Amended at 17 Ill. Reg. 11027, effective July 1, 1993)

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- 1) The Heading of the Part: Permanent Program Performance Standards--
Underground Mining Operations
- 2) Code Citation: 62 Ill. Adm. Code 1817

3) Section Numbers: Adopted Action:

1817.42	Amended
1817.43	Amended
1817.49	Amended
1817.84	Amended
1817.116	Amended
1817.117	Amended
1817.151	Amended
1817.182	Amended

- 4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (225 ILCS 720) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

- 5) Effective Date of Amendments: July 1, 1993

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No

- 8) Date filed in agency's principal office: July 1, 1993

- 9) Date Notice of Proposed Amendments published in Illinois Register:

July 10, 1992; 16 Ill. Reg.10726

- 10) Has JCAR issued a Statement of Objections to this rulemaking? No

- 11) Changes made between proposed and adopted versions:

Statutory citations were updated and/or corrected and other clerical changes were made in response to comments received from the Administrative Code Division and JCAR.

The following changes were made in response to comments received during the comment period:

The proposed substantive revisions to Section 1817.42 were withdrawn and are not being adopted.

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The title of the statute referred to in Section 1817.43(a)(2)(D) was changed to "Rivers, Lakes, and Streams Act". The proposed revision to Section 1817.43(b)(4) was withdrawn and is not being adopted.

The first sentence of Section 1817.49(c)(2)(B) was revised to read as follows: "Sufficient spillway capacity to safely pass, adequate storage capacity to safely contain, or a combination of storage capacity and spillway capacity to safely control the design precipitation event when it is demonstrated by the operator and certified by a qualified registered professional engineer in accordance with 62 Ill. Adm. Code 1784.16(a) that the impoundment will safely control the design precipitation event, the water from which shall be safely removed in accordance with current prudent engineering practices."

The following language was removed from Section 1817.116(a)(2)(C):
", which are hereby incorporated by reference and do not include any subsequent editions or amendments,".

The first two sentences of Section 1817.116(b)(2) were revised to read as follows:

Permittees shall submit by February 15 of each year a report of reclamation activities conducted during the previous calendar year, which initiate or may alter the responsibility period or are specifically required by the Department to evaluate a normal husbandry practice, using forms provided by the Department. Examples of reclamation activities to be reported and/or evaluated include but are not limited to crops used in temporary and permanent seedings, grasses and legumes planted, trees and shrubs planted, soil amendments added, and location and type of augmentation activities.

The proposed amendment to Section 1817.117(b) was withdrawn and is not being adopted.

- 12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency?

No formal agreements between the Department and JCAR were necessary to resolve Committee questions.

- 13) Will this rule replace an emergency rule currently in effect? No

- 14) Are there any proposed amendments pending on this Part? No

- 15) Summary and purpose of amendments:

Pursuant to 30 CFR 732.17, the Federal Office of Surface Mining Reclamation and Enforcement notified the Department that portions of

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its regulations were either less effective than or inconsistent with the federal requirements for surface coal mining and reclamation operations. This rulemaking is, in part, a response to the federal mandate that the Department's regulations be consistent with or as effective as their federal counterparts, pursuant to 30 U.S.C. 1253(a)(7). In addition, the Department identified rules that should be amended in order to more effectively carry out its statutory mandate.

Section 1817.49 sets forth requirements regarding impoundments. Subsection (a)(9)(B) has been revised in order to be more consistent with federal regulations and is more specific than federal requirements. Subsection (c)(2) has been revised to be consistent with its federal counterpart rule.

Section 1817.84 sets forth the Department's requirements regarding coal mine waste impounding structures. The amendment to subsection (b)(2) makes the rule consistent with and no less effective than its federal counterpart rule.

Section 1817.116 sets forth the Department's requirements for revegetation success standards. The amendments to subsection (a)(2)(C) further define the normal husbandry practices in the state.

Sections 1817.116(a)(3)(A) and (B) have been revised in order to eliminate confusion as to what ground covers are required for each land use and when in the responsibility period they are to be measured. Sections 1817.116(a)(3)(C) and (E) have been revised in order to insure proper management of cropland, pasture, hayland and grazing land during the responsibility period if the productivity standards have been met prior to the last year of the responsibility period.

Section 1817.116(b)(2) has been revised to provide specificity as to the reasons for the reporting requirement and to provide for any parameter which may need to be reviewed in assessing normal husbandry practices under Section 1817.117(a)(2)(C).

Section 1817.117 sets forth the Department's revegetation requirements for tree and shrub vegetation. The second sentence of subsection (a)(1) has been revised in order to eliminate misinterpretation and make the regulation as effective as its federal counterpart. Subsection (a)(2) has been amended in order to eliminate confusion as to what ground covers are required for each land use. The revision to subsection (a)(5) references all of the rill and gully rules.

Section 1817.117(d)(6) has been deleted and the content reorganized pursuant to the federal directive that Illinois clarify that the 70% standard for vegetative ground cover does not apply in determining

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revegetation success on previously unmined pasture and/or hayland or grazing land, in order to make the regulation as effective as its federal counterpart.

Section 1817.151 establishes performance standards for primary roads. Subsection (b) has been revised in order to be as effective as its federal counterpart rule.

Section 1817.184 sets forth requirements regarding minor underground mine facilities. The citation in subsection (a) has been corrected. A subsection heading has been added at (d). Subsections (d)(2), (d)(3)(C) and (d)(4)(B) have been amended by updating the Illinois Administrative Code citations therein.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Fred Bowman, Supervisor

Address: Land Reclamation Division
Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10197
Springfield, Illinois 62791-0197

Telephone: (217) 782-4970

The full text of Adopted Amendments begins on the next page:

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TITLE 62: MINING

CHAPTER 1: DEPARTMENT OF MINES AND MINERALS

PART 1817

PERMANENT PROGRAM PERFORMANCE STANDARDS--
UNDERGROUND MINING OPERATIONS

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1817.190 Processing or Preparation Facility or Area
Affected Acreage Map

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.) [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; amended at 6 Ill. Reg. 15024, effective December 30, 1982; codified at 8 Ill. Reg. 8230; amended at 9 Ill. Reg. 13315, effective October 10, 1985; amended at 10 Ill. Reg. 9606, effective July 1, 1986; amended at 11 Ill. Reg. 8250, effective July 1, 1987; amended at 14 Ill. Reg. 11855, effective January 1, 1991; amended at 15 Ill. Reg. 17239, effective January 1, 1992; amended at 17 Ill. Reg. 11031, effective July 1, 1993.

Section 1817.42 Hydrologic Balance: Water Quality Standards and Effluent Limitations

Discharges of water from areas disturbed by underground mining activities shall be made in compliance with the Federal Water Pollution Control Act of 1972, as amended (30 U.S.C. 1251 et seq.), the Environmental Protection Act (Ill. Rev. Stat. 1985 1991, ch. 111 1/2, pars. 1001 --1052 et seq.) [415 ILCS 5] and with effluent limitations for coal mining promulgated by the U.S. Environmental Protection Agency set forth in 40 CFR 434 (1986 1992). 40 CFR 434 (1986 1992) does not include any later amendments or editions.

(Source: Amended at 17 Ill. Reg. 11031, effective July 1, 1993)

Section 1817.43 Diversions

- a) General Requirements.
 - 1) With the approval of the Department, any flow from mined areas abandoned before May 3, 1978, and any flow from undisturbed areas or reclaimed areas, after meeting the criteria of Section 1817.46 for siltation structure removal, may be diverted from disturbed areas by means of temporary or permanent diversions. All diversions shall be designed to minimize adverse impacts to the hydrologic balance within the permit and adjacent areas, to prevent material damage outside the permit area and to assure the safety of the public. Diversions shall not be used to divert water into underground mines without approval of the Department under Section 1817.41(h).
 - 2) The diversion and its appurtenant structures shall be designed, located, constructed, maintained, and used to:
 - A) Be stable;
 - B) Provide protection against flooding and resultant damage to life and property;

- C) Prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to stream flow outside the permit area. Appropriate sediment control measures for diversions may include, but not be limited to, maintenance of appropriate gradients, channel lining, revegetation, roughness structures, and detention basins; and
- D) Comply with ~~AN--Reg--in--relation-to-the-regulation-of-the-takes-and-streams-of--the-State--of--Illinois~~ the Rivers, Lakes, and Streams Act (Ill. Rev. Stat. 1985 1991, ch. 19, pars. 52-79) [615 ILCS 5], Section 404 of the Federal Water Pollution Control Act of 1972, as amended (30 U.S.C. 1344), and all local ordinances.

3) Temporary diversions shall be removed promptly when no longer needed to achieve the purpose for which they were authorized. The land disturbed by the removal process shall be restored in accordance with this Part. Before diversions are removed, downstream water - treatment facilities previously protected by the diversion shall be modified or removed, as necessary, to prevent overtopping or failure of the facilities. This requirement shall not relieve the permittee from maintaining water treatment facilities as otherwise required. When permanent diversions are constructed or stream channels restored prior to the removal of temporary diversions the permittee shall:

- A) Establish, restore, enhance where practicable, or maintain natural riparian vegetation on the banks of the stream, including any area that is subject to annual inundation;
 - B) Establish or restore the stream to its natural meandering shape and to an environmentally acceptable gradient, as determined by the Department; and
 - C) Establish or restore the stream to a longitudinal profile and cross - section, including aquatic habitats (usually a pattern of riffles, pools, and drops rather than uniform depth) that approximate premining stream channel characteristics.
- 4) Diversion design shall incorporate the following:
- A) Channel lining shall be designed using standard engineering practices to pass safely the design velocities. Riprap shall consist of non-degradable, non-acid or toxic-forming rock such as sandstone, limestone, or other durable rock that will not slake in water and will be free of coal, clay or shale;
 - B) Freeboard shall be no less than 0.3 feet, except as provided for in subsection (a)(5). Protection shall be provided for transition of flows and for critical areas such as swales and curves. Where the area protected is a critical area, as determined by the Department, the design freeboard may be increased;
 - C) Energy dissipators shall be installed, when necessary, at

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discharge points where diversions intersect with natural streams and exit velocity of the diversion ditch flow is greater than that of the receiving stream;

- D) Excess excavated material not necessary for diversion channel geometry or regrading of the channel shall be disposed of in accordance with Sections 1817.71 through 1817.74; and

- E) Topsoil shall be handled in compliance with Section 1817.22.
- 5) If the terrain is such that out-of-bank flows can accommodate the design precipitation event without endangering health or the environment as a result of flooding, such as physical harm or slope failure, the need for diversion ditches may be modified by taking into account channels, banks, and flood plains.

b) Diversions of perennial and intermittent streams within the permit area are subject to Department approval pursuant to Section 1817.57(a).

- 2) The design capacity of channels for temporary and permanent stream channel diversions shall be at least equal to the capacity of the unmodified stream channel immediately upstream and downstream from the diversion.

- 3) The requirements of subsection (a)(2)(B) shall be met when the temporary and permanent diversions for perennial and intermittent streams are designed so that the combination of channel, bank, and floodplain configuration is adequate to pass safely the peak runoff of a ten (10) year, six (6) hour precipitation event for a temporary diversion and a one hundred (100) year, six (6) hour precipitation event for a permanent diversion.

- 4) The longitudinal profile of the stream, the channel, and the floodplain shall be designed and constructed to remain stable. Erosion control structures such as channel lining structures, retention basins, and artificial channel roughness structures shall be used in diversions only when approved by the Department as being necessary to control erosion.
- 5) The design and construction of all stream channel diversions of perennial and intermittent streams shall be sealed by a qualified registered professional engineer as meeting the performance standards of this Part.

c) Diversion of miscellaneous flows.

- 1) Miscellaneous flows, which consist of all flows except for perennial and intermittent streams, may be diverted away from disturbed areas if required or approved by the Department to lessen environmental impact. Miscellaneous flows shall include ground water discharges and ephemeral streams.

- 2) The design, location, construction, maintenance, and removal of diversions of miscellaneous flows shall meet all of the performance standards set forth in subsection (a).

- 3) The requirements of subsection (a)(2)(B) shall be met when the temporary and permanent diversions for miscellaneous flows are

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designed so that the combination of channel, bank, and floodplain configuration is adequate to pass safely the peak runoff of a two (2) year, six (6) hour precipitation event for a temporary diversion and a ten (10) year, six (6) hour precipitation event for a permanent diversion.

(Source: Amended at 17 Ill. Reg. 11031, effective July 1, 1993.)

Section 1817.49 Impoundments

- a) The requirements of this subsection apply to both temporary and permanent impoundments.

- 1) Impoundments meeting the size and other qualifying criteria of 30 CFR 77.216(a) shall comply with the requirements of 30 CFR 77.216 (1991) and this Section. 30 CFR 77.216 does not include any later editions or amendments. The plan required to be submitted to the District Manager of the Mine Safety and Health Administration (MSHA) under 30 CFR 77.216 shall also be submitted to the Department as part of the permit application, insofar as the MSHA informational design standard requirements are duplicative of the requirements of 62 Ill. Adm. Code 1784. In addition, the operator shall submit to the Department any certification issued by MSHA with respect to the design plan.

- 2) The design of impoundments shall be sealed in accordance with 62 Ill. Adm. Code 1784.16(a) as designed to meet the requirements of this Part using current, prudent engineering practices. The qualified registered professional engineer shall be experienced in the design and construction of impoundments.
- 3) Stability.

- A) An impoundment meeting the size or other criteria of 30 CFR 77.216(a) or located where failure would be expected to cause loss of life or serious property damage shall have a minimum static safety factor of 1.5 for a normal pool with steady state seepage saturation conditions, and a seismic safety factor of at least 1.2.

- B) Impoundments not meeting the size or other criteria of 30 CFR 77.216(a), except for a coal mine waste impounding structure, and located where failure would not be expected to cause loss of life or serious property damage shall have a minimum static safety factor of 1.3 for a normal pool with steady state seepage saturation conditions, or meet the design, construction and maintenance requirements of U.S. Soil Conservation Service Practice Standard 378, "Ponds," April 1987. Practice Standard 378 is hereby incorporated by reference and does not include later editions or amendments.

- 4) Impoundments shall have adequate freeboard to resist overtopping by waves and by sudden decreases in storage volume.
- 5) Foundations.

- A) Foundations and abutments for an impounding structure shall be stable during all phases of construction and operation and shall be designed based on adequate and accurate information on the foundation conditions. For an impoundment meeting the size or other criteria of 30 CFR 77.216(a), foundation investigation, as well as any necessary laboratory testing of foundation material, shall be performed to determine the design requirements for foundation stability.
- B) All vegetative and organic materials shall be removed and foundations excavated and prepared to resist failure. Cutoff trenches shall be installed if necessary to ensure stability.
- 6) Slope protection shall be provided to protect against surface erosion at the site and protect against sudden drawdown.
- 7) Faces of embankments and surrounding areas shall be vegetated, except that faces where water is impounded may be riprapped or otherwise stabilized in accordance with accepted design practices.
- 8) Impoundments shall include a combination of principal and emergency spillways which shall be designed and constructed to safely pass the design precipitation event specified in subsection (b) or (c).
- 9) Inspections. A qualified registered professional engineer or other qualified professional specialist, under the direction of the professional engineer, shall inspect the impoundment. The professional engineer or specialist shall be experienced in the construction of impoundments, as evidenced by the placement of a registered professional engineer's seal on the inspection report.
- A) Impoundments meeting the size or other criteria of 30 CFR 77.216(a) shall be inspected, examined and certified in accordance with 30 CFR 77.216. Annual status reports required under 30 CFR 77.216-4 shall be submitted to the Department within 30 days after the reporting period.
- B) All other impoundments shall be inspected at least weekly quarterly during construction, provided at least one (1) inspection is conducted for impoundments completed in less than one (1) quarter, and upon completion of construction. The qualified registered professional engineer shall submit to the Department, within thirty (30) days after each inspection, a sealed report that the impoundment has been constructed as designed and in accordance with the approved plan and these regulations.
- C) A copy of the reports required in subsections (a) (9) (A) and (B) above, and the examination reports required in subsection (a)(10) below, shall be retained at or near the mine site. The Department may approve reports being retained at a different location if there is no permanent mine office.

- 10) Impoundments which do not meet the size or other qualifying criteria of 30 CFR 77.216(a) shall be examined at least quarterly by a qualified person designated by the permittee for appearances of instability, structural weakness or other hazardous conditions. At least one of the quarterly examinations conducted during the calendar year shall be sealed by a qualified registered professional engineer and shall include a discussion of any appearances of instability, structural weakness or other hazardous conditions, and any other aspects of the structure affecting stability, and a statement indicating the pond has been maintained in accordance with the approved plan and these regulations. This examination shall be conducted during the period of October 1 through December 31 of each calendar year. The sealed examination report shall be submitted to the Department within 30 days of the examination. Impoundment examinations shall be conducted until the impoundment has been removed or until final bond release in accordance with 62 Ill. Adm. Code 1800.40. If the operator can demonstrate that failure of the structure would not create a potential threat to public health and safety or threaten significant environmental harm, the following impoundments shall be exempt from the all examination requirements of this subsection following approval by the Department:
- A) Impoundments that are completely incised;
- B) Water impounding structures that impound water to a design elevation no more than five (5) feet above the upstream toe of the structure and that can have a storage volume of not more than twenty (20) acre-feet; provided the exemption request is accompanied by a report sealed by a registered professional engineer licensed in the State of Illinois, accurately describing the hazard potential of the structure. Hazard potential must be such that failure of the structure would not create a potential threat to public health and safety or threaten significant environmental harm. The report shall be field verified by the Department prior to approval and periodically thereafter. The Department may terminate the exemption if so warranted by changes in the area downstream of the structure or in the structure itself; and
- C) Impoundments that do not facilitate mining or reclamation including, but not limited to, sewage lagoons, landscaping ponds, pools or wetlands in replaced stream channels, existing impoundments not yet used to facilitate mining, ephemeral waterbodies, active mining pits and differential settlement pools.
- 11) IF any examination or inspection discloses that a potential hazard exists, the person who examined the impoundment shall promptly inform the Department of the finding and of the emergency procedures formulated for public protection and

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remedial action. If adequate procedures cannot be formulated or implemented, the Department shall be notified immediately. The Department shall then notify the appropriate agencies that other emergency procedures are required to protect the public.

- b) Permanent impoundments. A permanent impoundment of water may be created, if authorized by the Department in the approved permit, based upon the following demonstration:

- 1) The size and configuration of the impoundment is adequate for its intended purposes;
- 2) The quality of impounded water will be suitable on a permanent basis for its intended use and, after reclamation, will meet water quality standards set forth in Section 1817.42, and discharges from the impoundment will meet applicable effluent limitations and will not degrade the quality of receiving water below water quality standards set forth in Section 1817.42;
- 3) The water level will be sufficiently stable and be capable of supporting the intended use;
- 4) Final grading will provide for adequate safety and access for proposed water users;
- 5) The impoundment will not result in the diminution of the quality and quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses;
- 6) The impoundment will be suitable for the approved post-mining land use;
- 7) The impoundment perimeter slopes shall be **consistent** with the intended use of the impoundment, not be steeper than the angle of repose and comply with subsection (a)(3). Where surface runoff enters the impoundment area, the side slope shall be protected against erosion.
 - A) Runoff from above the slope shall be diverted to erosion free outlets.
 - B) Grading of slopes shall be scheduled to be completed at the onset of the most favorable seeding period;
- 8) Embankment ponds, those having embankment heights of three (3) feet or greater above natural ground elevation, shall have outslopes of 1v:2h or less and interior slopes to the normal pool elevation of 1v:2h or less;
- 9) Permanent impoundments not meeting the size or other qualifying criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a twenty-five (25) year, six (6) hour precipitation event, or such larger event as may be specified by the Department based on factors such as terrain, topography and soil type. Permanent impoundments meeting the size or other criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a one hundred (100) year, six (6) hour precipitation event, or such larger event as may be specified by the Department based on factors such as terrain, topography and soil type;

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- 10) In lieu of the combination principal and emergency spillway requirements of Section 1817.49(a)(8), an impoundment may have a single spillway configured as set forth in subsections (b)(10)(A) and (b)(10)(B) that is designed and constructed to safely pass the applicable design precipitation specified in subsection (b)(9). The Department shall approve a single open-channel spillway that is:
 - A) Of nonerodible construction and designed to carry sustained flows; or
 - B) Earth- or grass-lined and designed to carry short-term infrequent flows at non-erosive velocities where sustained flows are not expected.

c) Temporary impoundments.

- 1) Temporary impoundments not meeting the size or other qualifying criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a twenty-five (25) year, six (6) hour precipitation event or such larger event as may be required by the Department based on factors such as terrain, topography and soil type. Temporary impoundments meeting the size or the other criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a one hundred (100) year, six (6) hour precipitation event, or such larger event as may be specified by the Department based on factors such as terrain, topography and soil type.
- 2) In lieu of the combination principal and emergency spillway requirements of Section 1817.49(a)(8), an impoundment may have either ~~a single spillway configured as set forth in subsections (c)(2)(A) and (c)(2)(B) that is designed and constructed to safely pass the applicable design precipitation specified in subsection (c)(1). The Department shall approve a single open-channel spillway that is:~~
 - i) ~~Of nonerodible construction and designed to carry sustained flows; or~~
 - ii) ~~Earth or grass-lined and designed to carry short term, infrequent flows at non-erosive velocities where sustained flows are not expected; or~~

- (A) ~~Of nonerodible construction and designed to carry sustained flows; or~~ A single spillway configured as set forth in subsection (c)(2)(A)(i) or (c)(2)(A)(ii) that is designed and constructed to safely pass the applicable design precipitation specified in subsection (c)(1). The Department shall approve a single open-channel spillway that is:
 - i) ~~Of nonerodible construction and designed to carry sustained flows; or~~
 - ii) ~~Earth or grass-lined and designed to carry short term, infrequent flows at non-erosive velocities where sustained flows are not expected; or~~

- (B) ~~Earth- or grass-lined and designed to carry short-term infrequent flows at non-erosive velocities where sustained flows are not expected.~~ Sufficient spillway capacity to safely pass adequate storage capacity to safely contain, or a combination of storage capacity and spillway capacity to safely control the design precipitation event when it is

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demonstrated by the operator and certified by a qualified registered professional engineer in accordance with 62 Ill. Adm. Code 1784.16(a) that the impoundment will safely control the design precipitation event, the water from which shall be safely removed in accordance with current prudent engineering practices. Impounding structures relying on this method to control runoff shall be located where failure would not be expected to cause loss of life or serious property damage, except where:

- i) In the case of an impoundment meeting the size or other criteria of 30 CFR 77.216(a), it is designed to control the precipitation of the probable maximum precipitation of a 6-hour event, or greater event as specified by the Department.
- ii) In the case of an impoundment not meeting the size or other criteria of 30 CFR 77.216(a), it is designed to control the precipitation of a 100-year 6-hour event, or greater event as specified by the Department.

(Source: Amended at 17 Ill. Reg. 11031, effective July 1, 1993)

Section 1817.84 Coal Mine Waste: Impounding Structures

New and existing impounding structures constructed of coal mine waste or intended to impound coal mine waste shall meet the requirements of Section 1817.81.

- a) Coal mine waste shall not be used for construction of impounding structures unless it has been demonstrated to the Department that the stability of such a structure conforms to the requirements of this Part and the use of coal mine waste will not have a detrimental effect on downstream water quality or the environment due to acid seepage through the impounding structure. The stability of the structure and the potential impact of acid mine seepage through the impounding structure shall be discussed in detail in the design plan submitted to the Department in accordance with 62 Ill. Adm. Code 1780.25.

b) Construction Requirements

- 1) Each impounding structure constructed of coal mine waste or intended to impound coal mine waste shall be designed, constructed and maintained in accordance with Section 1817.11(a) and (c). Such structures may not be retained permanently as part of the approved post-mining land use.
- 2) Each impounding structure constructed of coal mine waste or intended to impound coal mine waste that meets the criteria of 30 CFR 77.216(a) shall have sufficient spillway capacity to safely pass adequate storage capacity to safely contain, or a combination of storage capacity and spillway capacity to safely control the probable maximum precipitation of a 6-hour precipitation event or greater event as specified by the

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Department after consideration of factors such as watershed size and characteristics necessary to ensure design in accordance with prudent engineering practices.

- c) Spillways and outlet works shall be designed to provide adequate protection against erosion and corrosion in accordance with Section 1817.47. Inlets shall be protected against blockage.
- d) Drainage control. Runoff from areas above the disposal facility or runoff from the surface of the facility that causes instability or erosion of the impounding structure shall be diverted into stabilized diversion channels designed to meet the requirements of Section 1817.43 and designed to safely pass the runoff from a one hundred (100) year, six (6) hour design precipitation event.
- e) Impounding structures constructed of or impounding coal mine waste shall be designed so that at least ninety (90) percent of the water stored during the design precipitation event can be removed within a ten (10) day period.
- f) For an impounding structure constructed of or impounding coal mine waste, at least ninety (90) percent of the water stored during the design precipitation event shall be removed within the 10-day period following the design precipitation event.

(Source: Amended at 17 Ill. Reg. 11031, effective July 1, 1993)

Section 1817.116 Revegetation: Standards for Success

- a) Success of Revegetation
 - 1) Success of revegetation shall be judged in accordance with Sections 1817.116 and 1817.117.
 - 2) Requirements
 - A) The period of extended responsibility for successful revegetation shall begin after the last year of augmented seeding, fertilizing, irrigating, or other work, excluding husbandry practices that are approved by the Department in accordance with subsection (a)(7)(C) below.
 - B) The period of extended responsibility shall continue for a period of not less than five (5) full years. Vegetation parameters identified in subsection (a)(1) above shall equal or exceed the approved standard set forth in subsection (a)(3) below.
 - C) The Department shall approve selective husbandry practices, excluding irrigation or augmented seeding or augmented fertilization, or irrigation, without extending the period of responsibility for revegetation success and bond liability, if such practices can be expected to continue as part of the post-mining land use or if discontinuance of the practices after the liability period expires will not reduce the probability of permanent revegetation success. Approved practices shall be normal conservation and land use

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management practices within the region for unmined lands having land uses similar to the approved post-mining land use of the disturbed area, including such practices as diseases, pest, and vermin control; and any pruning, reseeding and/or transplanting specifically necessitated by such actions; approved agricultural practices described in the Illinois Agronomy Handbook (1993-94); and those practices which are a part of an approved conservation plan subject to the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 1421 et seq.). On all lands with a post-mining land use other than cropland, any areas reseeded or replanted as a part or result of a normal husbandry practice must be sufficiently small in size and limited in extent of occurrence, or part of a hay management plan which is an agricultural practice described by the Illinois Agronomy Handbook or as part of an approved conservation plan subject to the Food, Agriculture, Conservation and Trade Act of 1990, and the reestablished vegetation must be in place for a sufficient length of time so as not to adversely affect the Department's ability to make a valid determination at the time of bond release as to whether the site has been properly reclaimed to a condition in which it will support a diverse, effective, permanent vegetative cover of the required nature and productivity. The Illinois Agronomy Handbook is published by the University of Illinois-Cooperative Extension Service, Office of Agricultural Communications and Education, 698 Mumford Hall, 1301 West Gregory Drive, Urbana, Illinois 61801. Copies of the Illinois Agronomy Handbook and the Food, Agriculture, Conservation and Trade Act of 1990 are available at the Department's Springfield office located at 300 West Jefferson, Suite 300, P.O. Box 10197, Springfield, Illinois 62791-0197.

- D) Fill and gully repair on cropland-capable reclaimed land will not be considered augmentation if an operator has an approved erosion control plan in place in the field pursuant to 62 Ill. Adm. Code 1823.14(g) or 1825.14(f), and shortly after the first rainfall event after the repair, the Department makes the following determinations:
- i) the area is a minor erosional feature;
 - ii) the area is small;
 - iii) the erosion is not expected to recur; and
 - iv) the area is stable.

The Department shall notify the permittee in writing whether or not a repair is augmentative. Such written notice shall be in the form of an inspection report or other document issued by the Department.

- E) Fill and gully repair on noncropland-capable land will not be considered augmentation if, shortly after the first

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rainfall event after the repair, the Department makes the following determinations:

- i) the area is a minor erosional feature;
- ii) the area is small;
- iii) the erosion is not expected to recur; and
- iv) the area is stable.

The Department shall notify the permittee in writing whether or not a repair is augmentative. Such written notice shall be in the form of an inspection report or other document issued by the Department.

F) Augmentation

- i) In those cases where a permittee augments any cropland areas in order to achieve the revegetation success standards of subsection (a)(3)(C) above, the permittee shall apply the same or superior augmentation measures to all other lands reclaimed using the same techniques and the five (5) year period of responsibility shall recommence. The Department shall waive augmentation if the other areas have been previously augmented in a similar or superior manner or have met the revegetation success standards for cropland or the permittee can document a minimum of three (3) years of successful woody species establishment for forest products and wildlife habitat land uses as required by Section 1817.117(a). If the woody species have been planted less than three (3) years prior to the augmentation of the cropland areas, the Department shall grant additional time to evaluate the success of the woody species planting.

- ii) The five (5) year period of responsibility shall not recommence on areas where the operator has met the revegetation success standards of subsection (a)(3)(B) above.

- iii) If cropland is augmented the Department shall retain sufficient performance bond at the time of phase II performance bond release to ensure the cost of similarly augmenting all other lands, if required, is covered in the remaining bond amount.

- 3) Ground cover and production shall be considered equal to the approved success standard when they are not less than ninety (90) percent of the success standard. The sampling techniques for measuring success shall use a ninety (90) percent statistical confidence interval (i.e., one-sided t test with a 0.10 alpha error). Vegetative ground cover shall be measured using the technique set forth in 62 Ill. Adm. Code 1817.117(d). Standards for success shall be applied in accordance with the approved post-mining land use and, at a minimum, the following conditions:

- A) The vegetative ground cover for areas previously disturbed by mining operations that were not reclaimed to the

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- (Source: Amended at 17 Ill. Reg. 11031, effective July 1, 1993)

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Section 1817.117 Revegetation: Tree and Shrub Vegetation

a) For areas to be developed for fish and wildlife habitat (including shelter belts), recreation, or forest products land uses, success of vegetation shall be determined on the basis of tree and shrub population and vegetative ground cover. Such parameters are described as follows:

1) Trees and shrubs that will be used in determining the success of vegetation and the adequacy of plant arrangement shall have utility for the approved post-mining land use. Tree and/or shrub population shall be considered successful if it meets the population required in subsection (b) below with (90) percent statistical confidence (i.e., one-sided t test with a 0.10 alpha error) during the last fifth year of the responsibility period or later in the responsibility period. Trees and shrubs counted in determining such success shall be healthy, e.g. not demonstrating abnormal growth, coloring, leaf drop or disease. At the time of bond release such trees and shrubs shall be alive, and shall have been in place for at least three (3) growing seasons, i.e. three (3) years.

2) Vegetative ground cover shall not be less than required to achieve the approved post-mining land use and shall be adequate to control erosion and shall not be less than 70% during the last year of the responsibility period.

3) Permanent roads, parking lots and similar impervious structures on the revegetated area shall not require the planting of trees and shrubs or herbaceous ground cover.

4) For purposes of this Section, herbaceous species means: grasses, legumes and nonleguminous forbs; woody plants means: woody shrubs, trees and vines; and ground cover means: the area of ground covered by the combined aboveground parts of vegetation and the litter that is produced naturally on site.

5) For purposes of this Section, normal husbandry and conservation practices shall include pruning, disease, pest, vermin and herbaceous vegetation control including mowing, replanting and rill and gully repairs. The replanting of trees and shrubs in areas described in 62 Ill. Adm. Code 1817.116(a)(2)(C) shall be limited to 20% of the original approved planting rate during the first year of the responsibility period and 10% of the original approved planting rate during the second year of the responsibility period. The repair of rills and gullies shall be limited to those approved as a normal conservation practice under 62 Ill. Adm. Code 1817.116(a)(2)(C), (D) and (E).

b) For areas where woody plants are used for fish and wildlife habitat (including shelter belts), or recreation land uses, the area shall have a minimum population of two hundred and fifty (250) trees or shrubs per acre; where woody plants are used for forest products land uses, the area shall have a minimum population of four hundred and fifty (450) trees or shrubs per acre.

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c) For areas planted to trees or shrubs including wildlife habitat (including shelter belts), recreation, and forest products land uses, the sampling procedure for measuring populations is described as follows:

1) The permittee shall submit a scale drawing or aerial photograph delineating the area(s) to be sampled and the total number of acres in each area. A one (1) inch equals five hundred (500) feet (1:500) or larger scale shall be used.

2) One of the following circular plot sizes shall be selected by the sample enumerator:

Plot Size/Acres	Radius/Feet
1/160	9.31
1/120	10.7
1/100	11.78
1/90	12.41
1/80	13.17
1/70	14.07
1/60	15.20
1/50	16.65
1/40	18.61
1/30	21.50
1/20	26.33
1/10	37.24
1/5	52.66
1/4	58.88

3) The number of plots needed to sample 2.5 percent of the area will be calculated employing the following formula:

Number of Plots equals 2.5 percent multiplied by Sample Area in acres divided by plot size.

4) Based on the number of plots needed to be sampled and plot size, locate transect lines an equal distance apart throughout the area to be sampled. ~~Position individual plots an equal distance apart along transect lines. Determine the total length of all transect lines combined and then divide by the total number of plots needed to be sampled. When an individual plot is positioned within (60) sixty feet of the boundary of the area to be sampled, the location of the plot shall be moved perpendicular to the transect line until the plot is (60) sixty feet from the boundary of the area to be sampled or the greatest distance possible where (60) sixty feet cannot be achieved.~~

5) Sample each plot for compliance with subsections (a)(1) and (b) and record live trees and/or shrubs and species.

6) Calculate population levels as follows:

A) Average number of live trees and/or shrubs per plot equals Total Number of live trees and/or shrubs divided by number of plots; and

B) Number of live trees and/or shrubs per acre equals Average

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number of live trees and/or shrubs per plot multiplied by plot size denominator.

- 7) Representatives of the Department or the Illinois Department of Conservation shall conduct all sampling.

d) Vegetative ground cover shall be measured by the following technique:

- 1) Twenty (20) random points shall be identified in the area to be tested.
- 2) A twenty (20) foot engineer's tape shall be extended directly south of each point. If the tape extends beyond the boundary of the area to be tested or extends into an area where herbaceous ground cover has been controlled with herbicides to minimize competition with woody plants, the tape shall be rotated in ninety (90) degree increments until the entire twenty (20) foot length is within the boundary of the area to be tested or area not treated with the herbicide.
- 3) A measurement shall be taken at each two tenths (.2) foot increment directly above or below the tape.
- 4) Ground cover shall be determined to be present if any vegetation identified in Section 1817.117(a)(4) is measured at the increment.
- 5) A percentage of ground cover shall be established for the area tested by taking the total number of measurements where ground cover was determined to be present.
- 6) ~~If the vegetative ground cover is adequate to control erosion, the absence of rills and gullies, and sufficient to achieve its approved post-mining land-use, the percentage of ground cover determined by this technique shall be deemed successful, provided the average ground cover is 70% or greater.~~

(Source: Amended at 17 Ill. Reg. 11031, effective July 1, 1993)

Section 1817.151 Primary roads

Primary roads shall meet the requirements of Section 1817.150 and the additional requirements of this Section.

- a) Certification. The construction or reconstruction of primary roads shall be certified in a report to the Department by a qualified registered professional engineer. The professional engineer shall be experienced in the design and construction of roads, as evidenced by the placement of a registered professional engineer's seal on the report. The report shall indicate that the primary road has been constructed or reconstructed as designed and in accordance with the approved plan.
- b) Safety Factor. ~~Each primary road embankment shall have side slopes of 2H:1V or flatter, or shall be shown to have a minimum static factor of safety of 1.3. All primary road embankments shall be designed and constructed using current and prudent engineering practices. Each primary road embankment shall be shown to have a minimum static factor~~

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of safety of 1.3, or shall be designed in compliance with the following design standards:

- 1) ~~The embankment foundation area shall be cleared of all organic material and the entire foundation surface shall be scarified;~~
 - 2) ~~If the natural slope of the foundation as measured at right angles to the roadway centerline is steeper than 8H:1V, the embankment shall be benched into the existing slope beginning at the embankment toe and then filled with compacted level lifts;~~
 - 3) ~~The embankment fill material shall be free of sod, large roots, and other large vegetative matter;~~
 - 4) ~~The fill shall be brought up in horizontal layers of such thickness as required to facilitate compaction in accordance with prudent construction standards;~~
 - 5) ~~The moisture content of the fill material shall be sufficient to secure proper compaction;~~
 - 6) ~~The side slopes of the embankment shall be no steeper than 2H:1V;~~
 - 7) ~~Maximum fill height shall be twenty-five (25) feet as measured from natural ground at the downstream toe to the top of the embankment;~~
 - 8) ~~Embankments shall have a minimum top width of (H + 35)/5, where "H" is the embankment height as measured from natural ground at the downstream toe to the top of the embankment, and shall be adequate for the intended use.~~
- c) Location.
- 1) To minimize erosion, a primary road shall be located, insofar as is practicable, on the most stable available surface.
 - 2) Fords of perennial or intermittent streams by primary roads are prohibited unless they are specifically approved by the Department as temporary routes during periods of road construction.
- d) Drainage control. In accordance with the approved plan:
- 1) Each primary road shall be constructed or reconstructed, and maintained to have adequate drainage control, using structures such as, but not limited to bridges, ditches, cross-drains and ditch relief drains. The drainage control system shall be designed to safely pass the peak runoff from a 10 year, 6-hour precipitation event, or greater event as specified by the Department as necessary to ensure proper drainage control design in accordance with prudent engineering practices.
 - 2) Drainage pipes and culverts shall be installed as designed, and maintained in a free and operating condition and to prevent or control erosion at inlets and outlets;
 - 3) Drainage ditches shall be constructed and maintained to prevent uncontrolled drainage over the road surface and embankment;
 - 4) Culverts shall be installed and maintained to sustain the vertical soil pressure, the passive resistance of the foundation, and the weight of vehicles using the road;
 - 5) Natural stream channels shall not be altered or relocated without the prior approval of the Department in accordance with

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applicable sections of 62 Ill. Adm. Code 1817.41 through 1817.43 and 1817.57; and

- 6) Except as provided in subsection Section 1817.151(c)(2) above, structures for perennial or intermittent stream channel crossings shall be made using bridges, culverts, low-water crossings, or other structures designed, constructed, and maintained using current, prudent engineering practices. The Department shall ensure that low-water crossings are designed, constructed and maintained to prevent erosion of the structure or streambed and additional contributions of suspended solids to streamflow.

- e) Surfacing. Primary roads shall be surfaced with material approved by the Department as being sufficiently durable for the anticipated volume of traffic and the weight and speed of vehicles using the road.

(Source: Amended at 17 Ill. Reg. 11031, effective July 1, 1993)

Section 1817.182 Minor Underground Mine Facilities Not at or Adjacent to the Processing or Preparation Facility or Area

- a) This Section sets forth performance standards for minor underground mine facilities not at or adjacent to the processing or preparation facility or area, such as air shafts, fan and ventilation buildings, small support buildings or sheds, access power holes, other small miscellaneous structures, and associated roads. These performance standards and other requirements are the minimum standards which shall be required of such operations, however, the Department will require application of applicable performance standards of 62 Ill. Adm. Code ~~1818~~ 1810 through 1828 and this Part is such minor facilities significantly impact land, air or water resources.

- b) Habitats of unique value for fish, wildlife, and other related environmental values shall not be disturbed.

- c) The person who utilizes such facilities shall, to the extent practicable, measure important environmental characteristics of the area to be affected during the operations, to minimize environmental damage to the area and to provide supportive information for any permit application that person may submit under 62 Ill. Adm. Code 1785.23.

- d) Roads.

- 1) Vehicular travel on other than established, graded and surfaced roads shall be limited by the person who conducts coal mining activities to that absolutely necessary to conduct the activities. Travel shall be confined to graded and surfaced roads during periods when excessive damage to vegetation or rutting of the land surface could result.

- 2) Any new roads associated with the facilities shall comply with Sections Section 1817.150 and 1817.151 of this Part.

- 3) Existing roads may be used in accordance with the following:

- A) All applicable Federal, State, and local requirements shall

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be met;

- B) If the road is significantly altered for the operation, including, but not limited to, change of grade, widening, or change of route, or if use of the road contributes additional suspended solids to streamflow or runoff, then paragraph (h) of this Section shall apply to all areas of the road which are altered or which result in such contributions; and

- C) If the road is significantly altered for the underground mining activities and will remain as a permanent road after activities are completed, the permittee shall ensure that the requirements of Section Sections 1817.150 and 1817.151 of this Part are met for the design, construction, alteration, and maintenance of the road.

- 4) Promptly after the activities are completed, existing:

- A) To a condition equal to or better than their predisturbance condition; or

- B) To the condition required for permanent roads under Section Sections 1817.150 and 1817.151 of this Part, as appropriate.

- e) If excavation, artificial flat areas, or embankments are created during establishment of minor facilities, these areas shall be returned to the approximate original contour promptly after such features are no longer needed for the underground mining activity.

- f) If topsoil shall be removed, stored, and redistributed on disturbed areas as necessary to assure successful revegetation or as required by the Department.

- g) Revegetation of areas disturbed by the establishment or use of minor facilities shall be performed by the permittee, or his or her agent. All revegetation shall be in compliance with the plan approved by the Department and carried out in a manner that encourages prompt vegetative cover comparable with approved post disturbance land uses.

- h) With the exception of small and temporary diversions of overland flow of water around new roads, drill pads, and support facilities, no ephemeral, intermittent or perennial stream shall be diverted during activities in connection with minor underground mine facilities. Overland flow of water shall be diverted in a manner that:

- 1) Prevents erosion;
- 2) To the extent possible using the best technology currently available, prevents additional contribution of suspended solids to streamflow or runoff outside the disturbed area; and

- 3) Complies with all other applicable State or Federal requirements.
- i) Each borehole, well, or other exposed underground opening created must meet the requirements of Sections 1817.13, 1817.14, and 1817.15.

- j) All facilities and equipment shall be removed from the disturbed area promptly when they are no longer needed, except for those facilities and equipment that the Department determines may remain to:

- 1) Provide additional environmental quality data;
- 2) Reduce or control the on and off-site effects of the activities;

or

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- 3) Facilitate future surface mining and reclamation operations by the person conducting the activities, under an approved permit.
- k) Such minor facilities shall be utilized in a manner which minimizes disturbance of the prevailing hydrologic balance, and shall include sediment control measures such as those listed in Section 1817.45 or siltation structures which comply with Section 1817.46. The Department may specify additional measures which shall be adopted by the permittee.
- l) Toxic- or acid-forming materials shall be handled and disposed of in accordance with Section 1817.103. If specified by the Department, additional measures shall be adopted by the permittee.

(Source: Amended at 17 Ill. Reg. 11031, effective July 1, 1993)

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NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Requirements for Coal Exploration

2) Code Citation: 62 Ill. Adm. Code 1772

3) Section Numbers: Adopted Action:

1772.12

Amended

- 4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (225 ILCS 720) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

5) Effective Date of Amendments: July 1, 1993

6) Does this rulemaking contain an automatic repeal date? No

7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No

8) Date filed in agency's principal office: July 1, 1993

9) Date Notice of Proposed Amendments published in Illinois Register:

July 10, 1992; 16 Ill. Reg. 10762

10) Has JCAR issued a Statement of Objections to this rulemaking? No

11) Changes made between proposed and adopted versions:

No substantive changes were made between proposed and adopted versions.

12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency?

No formal agreements between the Department and JCAR were necessary to resolve Committee questions.

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any proposed amendments pending on this Part? No

15) Summary and purpose of amendments:

Section 1772.12(e) has been amended by adding a heading thereto and by changing the citation in subsection (2) in order to reflect the Departments' reorganization of its hearing rules in this rulemaking.

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NOTICE OF ADOPTED AMENDMENTS

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Fred Bowman, Supervisor

Address: Land Reclamation Division
Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10197
Springfield, Illinois 62791-0197

Telephone: (217) 782-4970

The full text of Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENT(S)

TITLE 62: MINING

CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 1772

REQUIREMENTS FOR COAL EXPLORATION

Section

1772.1	Scope and Purpose
1772.11	Notice Requirements for Exploration Removing 250 Tons of Coal or Less
1772.12	Permit Requirements for Exploration Removing More Than 250 Tons of Coal
1772.13	Coal Exploration Compliance Duties
1772.14	Requirements for Commercial Use or Sale
1772.15	Public Availability of Information

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Stat. 1991, ch. 96 1/2, pars. 7905.01, 7905.02, 7905.03 and 7909.01) [225 ILCS 720/5.01, 5.02, 5.03 and 9.01].

SOURCE: Adopted at 11 Ill. Reg. 8385, effective July 1, 1987; amended at 14 Ill. Reg. 11880, effective January 1, 1991; amended at 15 Ill. Reg. 17269, effective January 1, 1992; amended at 17 Ill. Reg. 11058, effective July 1, 1993.

Section 17/2.12 Permit Requirements for Exploration Removing More Than 250 Tons of Coal

- a) Any person who intends to conduct coal exploration outside a permit area during which more than two hundred and fifty (250) tons of coal will be removed or which will take place on lands designated as unsuitable for surface mining under 62 Ill. Adm. Code 1761 through 1764 shall before conducting the exploration submit an application and obtain written approval from the Department in an exploration permit.
- b) Each application for an exploration permit shall contain, at a minimum, the following information:
 - 1) The name, address, and telephone number of the applicant;
 - 2) The name, address, and telephone number of the applicant's representative who will be present at, and be responsible for, conducting the exploration;
 - 3) A narrative and map describing the proposed exploration area;
 - 4) A narrative description of the methods and equipment to be used to conduct the exploration and reclamation;
 - 5) An estimated time table for conducting and completing each phase of the exploration and reclamation;
 - 6) The estimated amount of coal to be removed and a description of the methods to be used to determine the amounts;
 - 7) A statement of why extraction of more than two hundred and fifty (250) tons of coal is necessary for exploration;

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- 8) A description of:
- Cultural or historical resources listed on the National Register of Historic Places,
 - Cultural or historical resources known to be eligible for listing on the National Register of Historic Places,
 - Known archeological resources located within the proposed exploration area; and
 - Any other information which the Department may require regarding known or unknown historic or archeological resources, based upon consultation with the Illinois State Historic Preservation Agency;
- 9) A description of any endangered or threatened species listed pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) identified within the proposed exploration area;
- 10) A description of the measures to be used to comply with the applicable requirements of 62 Ill. Adm. Code 1815;
- 11) The name and address of the owner of record of the surface land and of the subsurface mineral estate of the area to be explored;
- 12) A map or maps at a scale of 1:24,000 or larger, showing the areas of the proposed exploration and reclamation. The map shall specifically show existing roads, occupied dwellings, topographic and drainage features, bodies of surface water, and pipelines; proposed location of trenches, roads, and other access routes and structures to be constructed; the location of proposed land excavations; the location of exploration holes or other drill holes or underground openings; location of excavated earth or waste-material disposal areas; and the location of critical habitats of any endangered or threatened species listed pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and
- 13) If the surface is owned by a person other than the applicant, a description of the basis upon which the applicant claims the right to enter that land for the purpose of conducting exploration and reclamation.
- c) Public notice of the application and opportunity to comment shall be provided as follows:
- Within five (5) days, the applicant shall provide public notice of the filing of an administratively complete application with the Department in a newspaper of general circulation which is on the Department's list of approved newspapers in the county of the proposed exploration area;
 - The public notice shall state the name and address of the person seeking approval, the date of filing of the application, the address of the Department where written comments on the application may be submitted, the closing date of the comment period, and a description of the general area of exploration. In no case shall the public comment period be less than thirty (30) days;
 - Any person with an interest which is or may be adversely affected

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- shall have the right to file written comments on the application within the specified public comment period.
- d) Decision on an application for exploration removing more than two hundred and fifty (250) tons of coal.
- The Department shall act upon an administratively complete application for a coal exploration permit and any written comments within sixty (60) days after the close of the public comment period. The approval of a coal exploration permit may be based only on a complete and accurate application.
 - The Department shall approve a complete and accurate application for a coal exploration operation filed in accordance with this Part, if it finds, in writing, that the applicant has demonstrated that the exploration and reclamation described in the application will:
 - Be conducted in accordance with the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.) (Act), 62 Ill. Adm. Code 1815, this Part and the regulatory program;
 - Not jeopardize the continued existence of an endangered or threatened species listed pursuant to Section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) or result in the destruction or adverse modification of critical habitat of those species as defined in Section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532); and
 - Not adversely affect any cultural or historic resources listed on the National Register of Historic Places, pursuant to the National Historic Preservation Act, as amended (16 U.S.C. 470 et seq., 1976, Supp. V), unless the proposed exploration has been approved by the Department and the agency with jurisdiction over State Historic Preservation.
 - Terms of approval. Each approval issued by the Department shall contain conditions necessary to ensure that the exploration and reclamation will be conducted in compliance with the Act, this Part, 62 Ill. Adm. Code 1815, and the regulatory program.
- e) Notice and review.
- The Department shall notify the applicant, the appropriate local government officials, and other commentators on the application in writing, of its decision on the application. If the application is disapproved, the notice to the applicant shall include a statement of the reason for disapproval. Public notice of the decision on each application shall be posted by the Department at a public office in the vicinity of the exploration operations.
 - Any person with an interest which is or may be adversely affected by a decision of the Department pursuant to subsection (e)(1) above, shall have the opportunity for administrative and judicial review as set forth in 62 Ill. Adm. Code 1775.1847.3.

(Source: Amended at 17 Ill. Reg. 11058, effective July 1, 1993)

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1) The Heading of the Part: Requirements for Permits and Permit Processing2) Code Citation: 62 Ill. Adm. Code 17733) Section Numbers:

1773.13	Amended	<u>Adopted Action:</u>
1773.15	Amended	
1773.20	Amended	
1773.21	Amended	

4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (225 ILCS 720) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).5) Effective Date of Amendments: July 1, 19936) Does this rulemaking contain an automatic repeal date? No7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No8) Date filed in agency's principal office: July 1, 19939) Date Notice of Proposed Amendments published in Illinois Register:

July 10, 1992; 16 Ill. Reg. 10768

10) Has JCAR issued a Statement of Objections to this rulemaking? No11) Changes made between proposed and adopted versions:

The proposed amendment to Section 1773.13(c)(2) was withdrawn and is not being adopted. The citation in Section 1773.15(b)(1)(B) has been changed from 1847.4(1) to 1847.4(p). Also, stylistic changes were made based upon comments from the Administrative Code Division.

12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency?

No formal agreements between the Department and JCAR were necessary to resolve Committee questions.

13) Will this rule replace an emergency rule currently in effect? No14) Are there any proposed amendments pending on this Part? No

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15) Summary and purpose of amendments:

On December 13, 1991, the Federal Office of Surface Mining Reclamation and Enforcement (OSM), by final rule, instructed the Department to submit proposed amendments designed to correct defects identified in Illinois' rules (See 56 Fed. Reg. 64986, December 13, 1991). In addition, the Department identified rules that should be amended in order to more effectively fulfill its statutory mandate.

Section 1773.13 sets forth requirements for public participation in permit processing. Subsection (a)(1)(E) is amended to require that permit applicants, in specified instances, include in their advertisement a description of the activities proposed within 100 feet of a road. Statutory citations have been updated and stylistic changes made in response to comments from the Administrative Code Division and JCAR.

Section 1773.15 sets forth requirements for the Department's review of permit applications. To be no less effective than its federal counterpart, 30 CFR 773.15(b)(1)(ii), subsection (b)(1)(B) is amended to clarify that any review under 30 CFR 775.13 would be conducted by a federal district court and not a state circuit court. Citations have been amended in subsections (b)(1)(B) and (b)(3) in order to reflect the Department's reorganization of its hearing rules in this rulemaking, and a typographical error corrected in subsection (c)(12). Subsection (d) has been amended to provide that the Department's written findings will expire within one year if bond and permit fees are not submitted by the applicant in order to provide a mechanism for the expiration of outdated Departmental findings.

Citations have been amended in Sections 1773.20(b)(2)(B) and 1773.21(c) in order to reflect the Department's reorganization of its hearing rules in this rulemaking.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Fred Bowman, Supervisor

Address: Land Reclamation Division
 Department of Mines and Minerals
 300 West Jefferson, Suite 300
 P.O. Box 10197
 Springfield, Illinois 62791-0197

Telephone: (217) 782-4970

The full text of Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENT(S)

TITLE 62: MINING

CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 1773

REQUIREMENTS FOR PERMITS AND PERMIT PROCESSING

Section

1773.1 Scope and Purpose

1773.5 Definitions

1773.11 Requirements to Obtain Permits

1773.12 Regulatory Coordination with Requirements under Other Laws

1773.13 Public Participation in Permit Processing

1773.14 Opportunity for Public Hearing

1773.15 Review of Permit Applications

1773.17 Permit Conditions

1773.19 Permit Issuance and Right of Renewal

1773.20 Improvidently Issued Permits: General Procedures

1773.21 Improvidently Issued Permits: Rescission Procedures

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.) [225 ILCS 720].

SOURCE: Adopted at 11 Ill. Reg. 8395, effective July 1, 1987; amended at 14 Ill. Reg. 11886, effective January 1, 1991; amended at 15 Ill. Reg. 17274, effective January 1, 1992; amended at 15 Ill. Reg. 17998, effective January 1, 1992; amended at 17 Ill. Reg. 11063, effective July 1, 1993.

Section 1773.13 Public Participation in Permit Processing

a) Filing and public notice.

1) Upon submission of an administratively complete application, an applicant for a permit, significant revision of a permit under 62 Ill. Adm. Code 1774.13, or renewal of a permit under 62 Ill. Adm. Code 1774.15, shall place an advertisement in a local newspaper of general circulation in the locality of the proposed surface coal mining and reclamation operation at least once a week for four (4) consecutive weeks. A copy of the advertisement as it will appear in the newspaper shall be submitted to the Department. The advertisement shall contain, at a minimum, the following:

A) The name and business address of the applicant.

B) A map or description which clearly shows or describes the precise location and boundaries of the proposed permit area and is sufficient to enable local residents to readily identify the proposed permit area. It may include towns, bodies of water, local landmarks, and any other information which would identify the location. If a map is used, it shall indicate the north direction.

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- C) The location where a copy of the application is available for public inspection.
- D) The address of the office of the Department where written comments, objections or requests for informal conferences and public hearings on the application may be submitted under subsections (b) and (c).
- E) If an applicant seeks a permit to mine within one hundred (100) feet of the outside right-of-way of a public road, except where public notice and hearing have previously been provided for this particular part of the road in accordance with 62 Ill. Adm. Code 1761.12(c), a concise statement describing the public road, the activities proposed within one hundred (100) feet of the road, the particular part to be relocated or closed, if applicable, and the approximate timing and duration of the relocation or closing.
- F) If the application includes a request for an experimental practice under 62 Ill. Adm. Code 1785.13, a statement indicating that an experimental practice is requested and identifying the regulatory provisions for which a variance is requested.

2) The applicant shall make an application for a permit, significant revision under 62 Ill. Adm. Code 1774.13, or renewal of a permit under 62 Ill. Adm. Code 1774.15 available for the public to inspect and copy by filing a full copy of the application with the clerk at the courthouse of the county where the mining is proposed to occur. This copy of the application need not include confidential information exempt from disclosure under subsection (d). The application required by this subsection shall be filed in accordance with Section 2.04(a) of the State Act. The applicant shall file any changes to the application with the public office at the same time the change is submitted to the Department.

3) Upon receipt of an administratively complete application for a permit, a significant revision to a permit under 62 Ill. Adm. Code 1774.13, or a renewal of a permit under 62 Ill. Adm. Code 1774.15, the Department shall issue written notification indicating the applicant's intention to mine the described tract of land, the application number or other identifier, the location where the copy of the application may be inspected, and the location where comments on the application may be submitted. The notification shall be sent to:

- A) Local governmental agencies with jurisdiction over or an interest in the area of the proposed surface coal mining and reclamation operation, including but not limited to planning agencies, sewage and water treatment authorities, water companies; and
- B) All Federal or State governmental agencies with authority to issue permits and licenses applicable to the proposed surface coal mining and reclamation operation and which are

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part of the permit coordinating process developed in accordance with Section 503(a)(6) of the Federal Act or Section 1773.12; or those agencies with an interest in the proposed operation, including the U.S. Department of Agriculture Soil Conservation Service district office, the local U.S. Army Corps of Engineers district engineer, the National Park Service, State and Federal fish and wildlife agencies, and the historic preservation officer.

- b) Comments and objections on permit applications.
 - 1) Written comments or objections to an application for a permit, significant revision to a permit under 62 Ill. Adm. Code 1774.13, or renewal of a permit under 62 Ill. Adm. Code 1774.15 may be submitted to the Department by any person having an interest which is or may be adversely affected by the decision on the application, or by an officer or head of any Federal, State, or local government agency or authority notified under subsection (a)(3), within thirty (30) days after the last publication of the newspaper notice required by subsection (a). Any person not a public officer, as designated in this subsection, who submits written comments or objections to an application and claims to have an interest which is or may be adversely affected by the Department's decision shall identify the interest(s) claimed and shall state how the Department's decision may or will adversely affect the interest(s) specified.
 - 2) The Department shall upon receipt of such written comments or objections:
 - A) Transmit a copy of the comments or objections to the applicant; and
 - B) File a copy for public inspection at the same public office where the application is filed.

c) Informal conferences.

- 1) Any person having an interest which is or may be adversely affected by the decision on the application, or an officer or head of a Federal, State, or local government agency, may request in writing that the Department hold an informal conference on the application for a permit, significant revision to a permit under 62 Ill. Adm. Code 1774.13, or renewal of a permit under 62 Ill. Adm. Code 1774.15. Any person not a public officer, as designated in this subsection, who requests the Department to hold an informal conference with respect to an application based on a claim of an interest which is or may be adversely affected by the Department's decision, shall in the request for an informal conference identify the interest(s) claimed and shall state how the Department's decision may or will adversely affect the interest(s) specified. The request shall:
 - A) Briefly summarize the issues to be raised by the requester at the conference;
 - B) State whether the requester desires to have the conference conducted in the locality of the proposed operation; and

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- C) Be filed with the Department no later than thirty (30) days after the last publication of the newspaper advertisement required under subsection (a).

- 2) Except as provided in subsection (c)(3), if an informal conference is requested in accordance with subsection (c)(1), the Department shall hold an informal conference within seventy-five (75) days after the first newspaper notice required by subsection (a). The informal conference shall be conducted as follows:
 - A) If requested under subsection (c)(1)(B), it shall be held in the locality of the proposed surface coal mining and reclamation operation.
 - B) The date, time, and location of the informal conference shall be sent to the applicant and other parties to the conference and advertised by the Department in a newspaper of general circulation in the locality of the proposed surface coal mining and reclamation operation at least two (2) weeks before the scheduled conference.

- C) If requested in writing by a conference requester at least seven (7) days before the conference, the Department may arrange with the applicant to grant parties to the conference access to the proposed permit area and, to the extent that the applicant has the right to grant access to it, to the shadow area and adjacent area prior to the established date of the conference for the purpose of gathering information relevant to the conference.

- D) The conference shall be conducted by a representative of the Department, who shall accept oral or written statements and any other relevant information from any party to the conference. An electronic or stenographic record shall be made of the conference, unless waived by all the parties. The record shall be maintained and shall be accessible to the parties of the conference until final release of the applicant's performance bond or other equivalent guarantee pursuant to 62 Ill. Adm. Code 1800.40.

- 3) If all parties requesting the informal conference withdraw their request before the conference is held, the informal conference shall be canceled.

- 4) Informal conferences held in accordance with this subsection ~~Section-1773.13(c)~~ may be used by the Department as the public hearing required under 62 Ill. Adm. Code 1761.12(c) on proposed relocation or closing of public roads.

d) Public availability of permit applications.

- 1) General availability.

Except as provided in subsection (d)(2) or (d)(3) below, all applications for permits; revisions; renewals; and transfers, assignments or sales of permit rights on file with the Department shall be available, at reasonable times, for public inspection and copying.
- 2) Limited availability.

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Except as provided for in subsection (d)(3)(A) below, information pertaining to coal seams, test borings, core samplings, or soil samples in an application shall be made available to any person with an interest which is or may be adversely affected. Information subject to subsection (d)(2) above shall be made available to the public when such information is required to be on public file pursuant to the Freedom of Information Act (Ill. Rev. Stat. 1985 1991, ch. 116, pars. 201 et seq.) [5 ILCS 140].

- 3) Confidentiality.
- In accordance with the Freedom of Information Act (Ill. Rev. Stat. 1985 1991, ch. 116, pars. 201 et seq.) [5 ILCS 140], the Department provides procedures, including notice and opportunity to be heard for persons both seeking and opposing disclosure, to ensure confidentiality of qualified confidential information, which shall be clearly identified by the applicant and submitted separately from the remainder of the application. Confidential information is limited to:

- A) Information that pertains only to the analysis of the chemical and physical properties of the coal to be mined, except information on components of such coal which are potentially toxic in the environment;
- B) Information required under Section 508 of the Federal Act that is not on public file pursuant to State law and that the applicant has requested in writing to be held confidential;
- C) Information on the nature and location of archaeological resources on public land and Indian land as required under the Archaeological Resources Protection Act of 1979 (P. L. 96-95, 93 Stat. 721, 16 U.S.C. 470).

(Source: Amended at 17 Ill. Reg. 11063, effective July 1, 1993.)

Section 1773.15 Review of Permit Applications

a) General.

- 1) The Department shall review the application for a permit, revision, or renewal; written comments and objections submitted; and records of any informal conference or hearing held on the application and issue a written decision, in accordance with Section 1773.19, either granting, requiring modification of, or denying the application. If an informal conference is held under Section 1773.13(c), the decision shall be made within sixty (60) days of the close of the conference, unless a later time is necessary to provide an opportunity for a hearing under subsection (b)(3) below.
- 2) The applicant for a permit or revision of a permit shall have the burden of establishing that his application is in compliance with all the requirements of the regulatory program.

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b) Review of violations.

- 1) Based on available information concerning Federal and State failure-to-abate cessation orders, as defined in 62 Ill. Adm. Code 1843.11(b) or under the counterpart rule of another state regulatory authority, unabated Federal and State imminent harm cessation orders, as defined in 62 Ill. Adm. Code 1843.11(a) or under the counterpart rule of another state regulatory authority, delinquent civil penalties issued pursuant to Section 8.04 of the State Act and Section 518 of the Federal Act or pursuant to the counterpart provision of another state regulatory program, bond forfeitures where violations upon which the forfeitures were based have not been corrected, delinquent abandoned mine reclamation fees, and unabated violations of Federal and State laws, rules, and regulations pertaining to air or water environmental protection incurred in connection with any surface coal mining operation, the Department shall not issue the permit if any surface coal mining and reclamation operation owned or controlled by either the applicant or by any person who owns or controls the applicant is currently in violation of the State Act, Federal Act or any other law, rule or regulation referred to in this subsection. In the absence of a failure-to-abate cessation order, the Department may presume that a notice of violation issued pursuant to 62 Ill. Adm. Code 1843.12 or under Federal or State program has been or is being corrected to the satisfaction of the agency with jurisdiction over the violation, except where evidence to the contrary is set forth in the permit application, or where the notice of violation is issued for nonpayment of abandoned mine reclamation fees or civil penalties. If a current violation exists, the Department shall require the applicant or person who owns or controls the applicant, before the issuance of the permit, to either:
 - A) Submit to the Department proof that the current violation has been or is in the process of being corrected to the satisfaction of the agency that has jurisdiction over the violation; or
 - B) Establish for the Department that the applicant, or any person owned or controlled by either the applicant or any person who owns or controls the applicant, has filed and is presently pursuing, in good faith, a direct administrative or judicial appeal to contest the validity of the current violation. If the circuit or district court reviewing the violation, pursuant to 62 Ill. Adm. Code 1775.13 1847.4(p), 30 CFR 775.13 or in accordance with the procedures established by other state regulatory authorities, either denies a stay applied for in the appeal or affirms the violation, then the applicant shall submit the proof required under subsection (b)(1)(A) above within thirty (30) days of the court's decision.
- 2) Any permit that is issued on the basis of proof submitted under

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subsection (b)(1)(A) above that a violation is in the process of being corrected, or pending the outcome of an appeal described in subsection (b)(1)(B) above, shall be conditionally issued.

- 3) If the Department makes a finding that the applicant, anyone who owns or controls the applicant, or the operator specified in the application, controls or has controlled surface coal mining and reclamation operations with a demonstrated pattern of willful violations of the Federal or State Acts of such nature and duration and with such resulting irreparable damage to the environment as to indicate an intent not to comply with the Federal or State Acts, the application shall be denied. Before such a finding becomes final, the applicant or operator shall be afforded an opportunity for an adjudicatory hearing on the determination as provided for in 62 Ill. Adm. Code §775-11.1847.3.

- c) Written findings for permit application approval.

No permit application or application for a significant revision of a permit shall be approved unless the application affirmatively demonstrates and the Department finds, in writing, on the basis of information set forth in the application or from information otherwise available that is documented in the approval, the following:

- 1) The application is complete and accurate and the applicant has complied with all requirements of the Federal Act, State Act and the regulatory program.
- 2) The applicant has demonstrated that reclamation as required by the Federal Act, State Act and the regulatory program can be accomplished under the reclamation plan contained in the permit application.
- 3) The proposed permit area or the proposed shadow area for a planned subsidence operation is:
 - A) Not within an area under study or administrative proceedings under a petition, filed pursuant to 62 Ill. Adm. Code 1764, to have an area designated as unsuitable for surface coal mining operations, unless the applicant demonstrates that before January 4, 1977, he has made substantial legal and financial commitments in relation to the operation covered by the permit application; or
 - B) Not within an area designated as unsuitable for mining pursuant to 62 Ill. Adm. Code 1762 and 1764 or subject to the prohibitions or limitations of 62 Ill. Adm. Code 1761.11 and 1761.12.
- 4) For mining operations where the private mineral estate to be mined has been severed from the private surface estate, the applicant has submitted to the Department the documentation required under 62 Ill. Adm. Code 1778.15(b).
- 5) The Department has made an assessment of the probable cumulative impacts of all anticipated coal mining on the hydrologic balance in the cumulative impact area, in accordance with 62 Ill. Adm. Code 1780 and 1784 and has determined that the proposed operation

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has been designed to prevent material damage to the hydrologic balance outside the permit area.

- 6) The applicant has demonstrated that any existing structure will comply with 62 Ill. Adm. Code 1700.11(d).
- 7) The applicant has paid all reclamation fees from previous and existing operations as required by 30 CFR 870.
- 8) The applicant has satisfied the applicable requirements of 62 Ill. Adm. Code 1785.
- 9) The applicant has, if applicable, satisfied the requirements for approval of a long-term, intensive agricultural post-mining land use, in accordance with the requirements of 62 Ill. Adm. Code 1816.111(d) and 1817.111(d).
- 10) The operation would not affect the continued existence of endangered or threatened species or result in destruction or adverse modification of their critical habitats, as determined under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).
- 11) For a proposed re-mining operation where the applicant intends to reclaim in accordance with the requirements of 62 Ill. Adm. Code 1816.106 or 1817.106, the site of the operation is a previously mined area as defined in 62 Ill. Adm. Code 1701 Appendix A.
- 12) The Department has taken into account the effect of the proposed permitting action on properties listed on and eligible for listing on the National Register of Historic Places. This finding may be supported in part by inclusion of appropriate permit conditions or changes in the operation plan protecting historic resources, or a documented decision that the Department has determined that no additional measures are necessary.

- d) Performance bond-submittal.

~~If the Department decides to approve the application, it shall require that the applicant file the performance bond or provide other equivalent guarantee before the permit is issued, in accordance with the provisions of 62 Ill. Adm. Code 1800.~~

Expiration of findings.

Written findings issued by the Department approving a permit application shall expire within one (1) year from the date of issuance if the permit has not been issued based upon the applicant's failure to submit permit fees in accordance with 62 Ill. Adm. Code 1777.17 or a performance bond in accordance with 62 Ill. Adm. Code 1800.11. When written findings expire, the Department will take no further action on the permit application. Should the applicant choose to resume permitting activity for the area in question, a new permit application must be submitted in accordance with the requirements of Section 1773.

- e) Final compliance review.

After an application is approved, but before the permit is issued, the Department shall reconsider its decision to approve the application, based on the compliance review required by subsection (b)(1), in light of any new information submitted under 62 Ill. Adm. Code 1778.13(i) and 1778.14(e).

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(Source: Amended at 17 Ill. Reg. 11063, effective July 1, 1993)

Section 1773.20 Improvidently Issued Permits: General Procedures

- a) Permit review.
If the Department receives information indicating that it improvidently issued a surface coal mining and reclamation permit, the Department shall review the circumstances under which the permit was issued using a criteria in subsection (b) below. Where the Department finds that the permit was improvidently issued, it shall undertake the remedial measures set forth in subsection (c) below.
- b) Review criteria.
The Department shall find that a surface coal mining and reclamation permit was improvidently issued if:
 - 1) Under the violations review criteria of the regulatory program at the time the permit was issued:
 - A) The Department should not have issued the permit because of an unabated violation or a delinquent penalty or fee; or
 - B) The permit was issued on the presumption that a notice of violation was in the process of being corrected to the satisfaction of the agency with jurisdiction over the violation, but a cessation order subsequently was issued; and
- 2) The violation, penalty or fee:
 - A) Remains unabated or delinquent; and
 - B) Is not the subject of a good faith appeal, pursuant to 62 Ill. Adm. Code ~~1843-or-1845~~ 1847, or in accordance with like procedures in other regulatory jurisdictions, or of an abatement plan or payment schedule with which the permittee or other person responsible is complying to the satisfaction of the responsible agency; and
- 3) Where the permittee was linked to the violation, penalty or fee through ownership or control, under the violations review criteria of the regulatory program at the time the permit was issued an ownership or control link between the permittee and the person responsible for the violation, penalty or fee still exists, or where the link was severed the permittee continues to be responsible for the violation, penalty or fee.
- c) Remedial measures.
If the Department finds, under subsection (b) above, that because of an unabated violation or a delinquent penalty or fee a permit was improvidently issued, the Department shall undertake one or more of the following remedial measures:
 - 1) Implement, with the cooperation of the permittee or other person responsible, and of the responsible agency, a plan for abatement of the violation or a schedule for payment of the penalty or fee;
 - 2) Impose on the permit a condition requiring that in the specified period of time the permittee or other person responsible abate

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- 3) Suspend the permit until the violation is abated or the penalty or fee is paid; or
- 4) Rescind the permit under Section 1773.21.

(Source: Amended at 17 Ill. Reg. 11063, effective July 1, 1993)

Section 1773.21 Improvidently Issued Permits: Rescission Procedures

If the Department, under Section 1773.20(c)(4), elects to rescind an improvidently issued permit, the Department shall serve on the permittee a notice of proposed suspension and rescission which includes the reasons for the finding of the Department under Section 1773.20(b) and states that:
a) Automatic suspension and rescission.

After a specified period of time not to exceed ninety (90) days the permit automatically will become suspended, and not to exceed ninety (90) days thereafter rescinded, unless within those periods the permittee submits proof, and the Department finds, that:

- 1) The Department's finding under Section 1773.20(b) was erroneous;
 - 2) The permittee or other person responsible has abated the violation on which the finding was based, or paid the penalty or fee, to the satisfaction of the responsible agency;
 - 3) The violation, penalty or fee is the subject of a good faith appeal, or of an abatement plan or payment schedule with which the permittee or other person responsible is complying to the satisfaction of the responsible agency; or
 - 4) Since the finding was made, the permittee has severed any ownership or control link with the person responsible for, and does not continue to be responsible for, the violation, penalty or fee.
- b) Cessation of operations.
After permit suspension or rescission, the permittee shall cease all surface coal mining and reclamation operations under the permit, except for violation abatement and for reclamation and other environmental protection measures including, but not limited to, maintenance and monitoring as required by the Department; and
- c) Right to appeal.
The permittee may file a request for an administrative hearing to contest the notice under 62 Ill. Adm. Code ~~1775-11~~ 1847.3.

(Source: Amended at 17 Ill. Reg. 11063, effective July 1, 1993)

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NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Requirements for Permits for Special Categories of Mining

2) Code Citation: 62 Ill. Adm. Code 1785

3) Section Numbers: Adopted Action:

1785.13 Amended

- 4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (225 ILCS 720) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

5) Effective Date of Amendments: July 1, 1993

6) Does this rulemaking contain an automatic repeal date? No

7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No

8) Date filed in agency's principal office: July 1, 1993

9) Date Notice of Proposed Amendments published in Illinois Register:

July 10, 1992; 16 Ill. Reg. 10784

10) Has JCAR issued a Statement of Objections to this rulemaking? No

11) Changes made between proposed and adopted versions:

No substantive changes were made between proposed and adopted versions. Updated citations were added in the Authority note and to Section 1785.13.

12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency?

No formal agreements between the Department and JCAR were necessary to resolve Committee questions.

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any proposed amendments pending on this Part? No

15) Summary and purpose of amendments:

The Department identified rules that should be amended in order to more

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effectively carry out its statutory mandate.

Section 1785.13 sets forth requirements for experimental practices mining. Subsection (a) is amended to account for the repealer of Part 1775 in this rulemaking. Subsection (g) is amended to reflect the Department's reorganization of its hearing rules in this rulemaking.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Fred Bowman, Supervisor

Address: Land Reclamation Division
Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10197
Springfield, Illinois 62791-0197

Telephone: (217) 782-4970

The full text of Adopted Amendments begins on the next page:

TITLE 62: MINING

CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 1785

REQUIREMENTS FOR PERMITS FOR SPECIAL CATEGORIES OF MINING

Section	Scope
1785.1	Objective
1785.2	Experimental Practices Mining
1785.13	Mountaintop Removal Mining
1785.14	Steep Slope Mining
1785.15	Permits Incorporating Variances From Approximate Original Contour
1785.16	Restoration Requirements
1785.17	Prime Farmlands
1785.18	Variances for Delay in Contemporaneous Reclamation Requirement in Combined Surface and Underground Mining Activities
1785.20	Augering
1785.21	Coal Preparation Plants Not Located Within the Permit Area of a Mine
1785.22	In Situ Processing Activities
1785.23	Minor Underground Mine Facilities Not at or Adjacent to the Processing or Preparation Facility or Area

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.) [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 15930; amended at 9 Ill. Reg. 13324, effective October 10, 1985; amended at 11 Ill. Reg. 8416, effective July 1, 1987; amended at 17 Ill. Reg. 11075, effective July 1, 1993.

Section 1785.13 Experimental Practices Mining

- a) Experimental practices provide a variance from environmental protection performance standards of the Surface Coal Mining Land Conservation and Reclamation Act (State Act) (Ill. Rev. Stat. 1985 1991, ch. 96 1/2, par. 7901.01 et seq.) [225 ILCS 720/1.01], 62 Ill. Adm. Code 1810 through 1828 and the regulatory program for experimental or research purposes, or to allow an alternative post-mining land use, and may be undertaken if they are approved by the Illinois Department of Mines and Minerals (Department) and the Director of the Office of Surface Mining Reclamation and Enforcement (Federal Director) and if they are incorporated into a permit or permit revision issued in accordance with the requirements of 62 Ill. Adm. Code 1772 through 1775 1774.
- b) An application for an experimental practice shall contain

descriptions, maps, plans and data which show:

- 1) The nature of the experimental practice, including a description of the performance standards for which variances are requested, the duration of the experimental practice, and any special monitoring which will be conducted;
- 2) How use of the experimental practice encourages advances in mining and reclamation technology or allows a post-mining land use for industrial, agricultural, commercial, residential, or public use (including recreation facilities) on an experimental basis;
- 3) That the experimental practice:
 - A) Is potentially more, or at least as, environmentally protective, during and after mining operations, as would otherwise be required by standards promulgated under 62 Ill. Adm. Code 1810 through 1828; and
 - B) Will not reduce the protection afforded public health and safety below that provided by the requirements of 62 Ill. Adm. Code 1810 through 1828.
- 4) That the applicant will conduct monitoring of the effects of the experimental practice. The monitoring program shall ensure the collection, analysis, and reporting of reliable data that are sufficient to enable the Department and the Federal Director to:
 - A) Evaluate the effectiveness of the experimental practice; and
 - B) Identify, at the earliest possible time, potential risk to the environment and public health and safety which may be caused by the experimental practice during and after mining.
- c) Applications for experimental practices shall comply with the public notice requirements of 62 Ill. Adm. Code 1773.13.
- d) No application for an experimental practice under this Section shall be approved until the Department first finds in writing and the Federal Director then concurs that:
 - 1) The experimental practice encourages advances in mining and reclamation technology or allows a post-mining land use for industrial, agricultural, commercial, residential, or public use (including recreational facilities) on an experimental basis;
 - 2) The experimental practice is potentially more, or at least as, environmentally protective, during and after mining operations, as would otherwise be required by standards promulgated under 62 Ill. Adm. Code 1810 through 1828;
 - 3) The mining operations approved for a particular land use or other purpose are not larger or more numerous than necessary to determine the effectiveness and economic feasibility of the experimental practice; and
 - 4) The experimental practice does not reduce the protection afforded public health and safety below that provided by standards promulgated under 62 Ill. Adm. Code 1810 through 1828.
- e) Experimental practices granting variances from the special environmental protection performance standards of Section 515 and 516 of the Surface Mining Reclamation and Control Act of 1977 (30 U.S.C.

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1265 and 1266) (Federal Act) applicable to prime farmlands shall be approved only after consultation with the U.S. Department of Agriculture, Soil Conservation Service.

f) Each person undertaking an experimental practice shall conduct the periodic monitoring, recording and reporting program set forth in the application, and shall satisfy such additional requirements as the Department or the Federal Director shall impose to ensure protection of the public health and safety and the environment.

g) Each experimental practice shall be reviewed by the Department at a frequency set forth in the approved permit, but no less frequently than every two and a half (2 1/2) years. After review, the Department may require such modifications of the experimental practice as are necessary to ensure that the activities fully protect the environment and the public health and safety. Copies of the decision of the Department shall be sent to the permittee and shall be subject to the provisions for administrative and judicial review of 62 Ill. Adm. Code 1775 1847.3.

h) Revisions or modifications to an experimental practice shall be processed in accordance with the requirements of 62 Ill. Adm. Code 1774.13 and approved by the Department. Any revisions which proposed significant alterations in the experimental practice shall, at a minimum, be subject to notice, hearing, and public participation requirements of 62 Ill. Adm. Code 1773.13 and concurrence by the Federal Director. Revisions that do not propose significant alterations in the experimental practice shall not require concurrence by the Federal Director.

(Source: Amended at 17 Ill. Reg. 11075, effective July 1, 1993)

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NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Restriction on Financial Interests of State Employees

2) Code Citation: 62 Ill. Adm. Code 1705

3) Section Numbers: Adopted Action:

1705.21

Amended

4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (225 ILCS 720) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

5) Effective Date of Amendments: July 1, 1993

6) Does this rulemaking contain an automatic repeal date? No

7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No

8) Date filed in agency's principal office: July 1, 1993

9) Date Notice of Proposed Amendments published in Illinois Register:

July 10, 1992; 16 Ill. Reg. 10790

10) Has JCAR issued a Statement of Objections to this rulemaking? No

11) Changes made between proposed and adopted versions:

No changes between the proposed and adopted versions have been made, except for adding an updated citation in the Authority note.

12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency?

No formal agreements between the Department and JCAR were necessary to resolve Committee questions.

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any proposed amendments pending on this Part? No

15) Summary and purpose of amendments:

The amendment to Section 1705.21 is necessary in order to reflect the Department's reorganization of its hearing rules in this rulemaking.

DEPARTMENT OF MINES AND MINERALS
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16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Fred Bowman, Supervisor

Address: Land Reclamation Division
Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10197
Springfield, Illinois 62791-0197

Telephone: (217) 782-4970

The full text of Adopted Amendments begins on the next page:

DEPARTMENT OF MINES AND MINERALS
NOTICE OF ADOPTED AMENDMENT(S)
TITLE 62: MINING
CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 1705
RESTRICTION ON FINANCIAL INTERESTS OF STATE EMPLOYEES

Section	
1705.2	Objectives
1705.3	Authority (Repealed)
1705.4	Responsibility
1705.6	Penalties
1705.11	Who Shall File
1705.13	When to File
1705.15	Where to File
1705.17	What to Report
1705.18	Gifts and Gratuities
1705.19	Resolving Prohibited Interests
1705.21	Appeals Procedures

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.) [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; codified at 8 Ill. Reg. 16434; amended at 11 Ill. Reg. 8452, effective July 1, 1987; amended at 17 Ill. Reg. 11080, effective July 1, 1993.

Section 1705.21 Appeals Procedures

Any employee who is dissatisfied with the Director's decision may file an appeal within thirty (30) days after the Department mails the Director's decision to the employee. The Department shall hold a hearing in accordance with the procedures outlined in 62 Ill. Adm. Code §775-11 1847.3.

(Amended at 17 Ill. Reg. 11080, effective July 1, 1993)

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Revision; Renewal; and Transfer, Assignment, or Sale of Permit Rights

2) Code Citation: 62 Ill. Adm. Code 1774

3) Section Numbers:

1774.11

1774.13

1774.15

Adopted Action:

Amended

Amended

Amended

- 4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (225 ILCS 720) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

5) Effective Date of Amendments: July 1, 1993

6) Does this rulemaking contain an automatic repeal date? No

7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No

8) Date filed in agency's principal office: July 1, 1993

9) Date Notice of Proposed Amendments published in Illinois Register:

July 10, 1992; 16 Ill. Reg. 10793

10) Has JCAR issued a Statement of Objections to this rulemaking? No

11) Changes made between proposed and adopted versions:

In response to comments, the proposed 50 acre limit in Section 1774.13(b)(2)(E) was withdrawn and is not being adopted. Section 1774.13(b)(2)(E) was also changed to clarify that the 5% limit applies to the original total permit acreage. The proposed addition of subsection (6) to Section 1774.13(d) was withdrawn and is not being adopted, and the Section redesignated accordingly. Stylistic changes were made based upon comments received from the Administrative Code Division and JCAR.

12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency?

No formal agreements between the Department and JCAR were necessary to resolve Committee questions.

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENTS

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any proposed amendments pending on this Part? No

15) Summary and purpose of amendments:

The Department identified rules that should be amended in order to more effectively fulfill its statutory mandate. Section 1774.11 sets forth requirements regarding the Department's review of permits. Subsection (c) is amended to reflect the Department's reorganization of its hearing rules in this rulemaking.

Section 1774.13 sets forth requirements regarding permit revisions. Subsection (b)(2)(E) is amended to define under what circumstances a significant permit revision would be required for land use changes. Subsection (d)(2) is amended to clarify that incidental boundary revisions (IBR) are allowable if contiguous to the shadow area. Subsection (d)(4) is amended to clarify that non-contiguous IBRs will be subject to the performance standards for minor underground facilities. Subsection (d)(5) is amended to limit the amount of acreage which may be added to an existing non-contiguous IBR area.

Section 1774.15 sets forth requirements for permit renewals. Subsection (f) is amended to reflect the Department's reorganization of its hearing rules in this rulemaking.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Fred Bowman, Supervisor

Address: Land Reclamation Division
Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10197
Springfield, Illinois 62791-0197

Telephone: (217) 782-4970

The full text of Adopted Amendments begins on the next page:

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

CHAPTER I: DEPARTMENT OF MINES AND MINERALS
TITLE 62: MINING

PART 1774

REVISION; RENEWAL; AND TRANSFER, ASSIGNMENT, OR SALE OF PERMIT RIGHTS

Section

1774.1 Scope and Purpose

1774.11 Department Review of Permits

1774.13 Permit Revisions

1774.15 Permit Renewals

1774.17 Transfer, Assignment, or Sale of Permit Rights

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.) [225 ILCS 720].

SOURCE: Adopted at 11 Ill. Reg. 8469, effective July 1, 1987; amended at 14 Ill. Reg. 11900, effective January 1, 1991; amended at 15 Ill. Reg. 17284, effective January 1, 1992; amended at 17 Ill. Reg. 11083, effective July 1, 1993.

Section 1774.11 Department Review of Permits

a) The Illinois Department of Mines and Minerals (Department) shall review each permit issued and outstanding under the regulatory program during the term of the permit. This review shall occur not later than the middle of each permit term and as follows:

1) Permits with a term longer than five (5) years shall be reviewed no less frequently than the permit midterm or every five (5) years, whichever is more frequent.

2) Permits with variances granted in accordance with 62 Ill. Adm. Code 1785.14 (mountaintop removal) and 62 Ill. Adm. Code 1785.18 (variance for delay in contemporaneous reclamation requirement in combined surface and underground mining operations) shall be reviewed no later than three (3) years from the date of issuance of the permit unless, for variances issued in accordance with 62 Ill. Adm. Code 1785.14, the permittee affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the permit.

3) Permits containing experimental practices issued in accordance with 62 Ill. Adm. Code 1785.13 and permits with a variance from approximate original contour requirements in accordance with 62 Ill. Adm. Code 1785.16 shall be reviewed as set forth in the permit or at least every two and one half (2 1/2) years from the date of issuance as required by the Department, in accordance with 62 Ill. Adm. Code 1785.13(g) and 1785.16(c), respectively.

b) After the review required by subsection (a) above, or at any time, the Department may, by order, require revision of a permit in accordance

with Section 1774.13 to ensure compliance with the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.) (Act) and the regulatory program.

c) Any order of the Department requiring revision of a permit shall be based upon written findings and shall be subject to the provisions for administrative and judicial review in 62 Ill. Adm. Code 1775.1847.3. Copies of the order shall be sent to the permittee within five (5) working days of issuance.

d) Permits may be suspended or revoked in accordance with 62 Ill. Adm. Code 1840 through 1845.

(Source: Amended at 17 Ill. Reg. 11083, effective July 1, 1993.)

Section 1774.13 Permit Revisions

a) During the term of a permit, the permittee may submit an application to the Department for a revision of the permit. Such application may be made on the standard Department permit form; however, only those sections of the form which pertain to the revision in question must be completed.

b) Application Requirements and Procedures.

1) The Department will approve or disapprove applications for insignificant revisions within ninety (90) days after receipt of the application; applications for significant revision will be acted upon in accordance with 62 Ill. Adm. Code 1773.13 and 1773.15.

2) A significant revision to a permit shall be obtained for changes in the surface coal mining or reclamation operations described in the original application and approved under the original permit, when such changes constitute a significant departure from the method of conduct of mining or reclamation operations contemplated by the original permit. For purpose of these requirements, significant departures from the methods or conduct of mining or reclamation operations include any change in such mining or reclamation operations, except the following, if not contemplated or provided for in the original permit:

A) For surface mines, changes of direction of mining or location of mining equipment within the permit area;

B) Substitution of mining equipment designed for the same purpose, the use of which is not detrimental to achievement of final reclamation or subsidence control;

C) For underground mines, any change in direction or location of mining within the permit area or shadow area, in response to unanticipated events;

D) Any other change in operations, methods, or conduct of mining described in writing to the Department which the Department excuses in writing from requirement of revision on a case-by-case basis after determining that the described

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change will have no significant potential adverse impact on the achievement of final reclamation plans or subsidence control plans or upon the surrounding area;

- E) Any alteration in the reclamation plan or reclamation operations which does not involve significant delay or any significant change in land use described in writing to the Department and excused from this requirement of revision on a case-by-case basis. A significant revision shall be required for land use changes involving greater than 5% of the original total permit acreage. The 5% limit shall be a cumulative total from permit issuance until final bond release. Alternative land use proposals shall comply with 62 Ill. Adm. Code 1816.133 or 1817.133, and shall be approved only after consultation with the landowner or the land management agency with jurisdiction over the lands; or
- F) Any temporary change in operations, subsidence control or reclamation plans necessitated by unanticipated and unusually adverse weather conditions, other acts of God, strikes, or other cause beyond the reasonable control of the permittee, after review and approval by the Department in writing, provided that all steps specified by the Department to maximize environmental protection are taken.

- 3) All significant permit revision applications shall meet the requirements of 62 Ill. Adm. Code 1773.13, 1773.19(b)(1) and (3) and 1778.21.

- c) No application for a permit revision shall be approved unless the application demonstrates and the Department finds that reclamation as required by the Act and the regulatory program can be accomplished, applicable requirements under 62 Ill. Adm. Code 1773.15(c) which are pertinent to the revision are met, and the application for a revision complies with all requirements of the Act and the regulatory program.
- d) Extensions of the permit area, except for incidental boundary revisions, shall be made by application for a new permit, and shall not be approved under this Part. Extensions of the shadow area, except for incidental boundary revisions, shall be made and approved pursuant to the requirements of this Part. Application for incidental boundary revisions shall be made pursuant to subsection 1774.13(a) above. Incidental boundary revisions are those which:

- 1) Constitute a relatively small percentage of the initial permit acreage;
- 2) Are contiguous with the permit or shadow area acreage, except that isolated long-term support facilities associated with underground mining activities need not be contiguous provided such facilities do not include coal preparation or coal waste disposal areas. Non-contiguous incidental boundary revisions shall be subject to the performance standards of 62 Ill. Adm. Code 1817.182;
- 3) Are required for the orderly and continuous mining operation;
- 4) Would be reclaimed in conformity with the initial plan, except

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where provided under subsection (d)(2) above;

- 5) For the purpose of this section, incidental boundary changes are described as follows:

Original Permit Acres	Maximum Size of Boundary Changes-Acres
Up to 10	1
Up to 25	2.5
Up to 50	5
Up to 75	7.5
Up to 100	10
Over 100	20

The maximum size for acreage additions to approved non-contiguous incidental boundary revision areas, as described in subsection (d)(2) above, shall be based upon the original boundary revision acreage, not the original permit acreage.

- 6e) A determination as to what constitutes a significant departure shall be made by the Department in consultation with the permittee. Changes which do not alter the final reclamation or mining plan are considered minor and do not require permit revision. However, any request for such changes shall be included in a written request to the Department.

(Source: Amended at 17 Ill. Reg. 11083, effective July 1, 1993.)

Section 1774.15 Permit Renewals

- a) A valid permit shall carry with it the right of successive renewal, within the approved boundaries of the existing permit, upon expiration of the term of the permit.

- b) Application requirements and procedures.

- 1) An application for renewal of a permit shall be filed with the Department at least one hundred and eighty (180) days before expiration of the existing permit term.
- 2) An application for renewal of a permit shall be in the form required by the Department and shall include at a minimum:
 - A) The name and address of the permittee, the term of the renewal requested, and the permit number or other identifier;

- B) Evidence that a liability insurance policy or adequate self-insurance under 62 Ill. Adm. Code 1800.60 will be provided by the applicant for the proposed period of renewal;

- C) Evidence that the performance bond in effect for the operation will continue in full force and effect for any renewal requested, as well as any additional bond required by the Department pursuant to 62 Ill. Adm. Code 1800;

- D) A copy of the proposed newspaper notice and proof of publication of same, as required by 62 Ill. Adm. Code 1778.21; and

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- E) Additional revised or updated information required by the Department.
- 3) Applications for renewal shall be subject to the requirements of public notification and public participation contained in 62 Ill. Adm. Code 1773.13 and 1773.19 (a)(3).
- 4) If an application for renewal includes any proposed revisions to the permit, such revisions shall be identified and be subject to the requirements of Section 1774.13.
- 5) If a complete application for renewal of a permit includes a proposal to extend the mining and reclamation operation beyond the permit area boundaries authorized in the existing permit, the portion of the complete application for renewal of a valid permit which addresses any new land areas shall be subject to the full standards applicable to new permit applications under the Act, and 62 Ill. Adm. Code 1773, 1777, 1778, 1779, 1780, 1783, 1784, 1785, and 1800.
- c) Approval process.
- 1) Criteria for approval. The Department shall approve a complete and accurate application for permit renewal, unless it finds, in writing:
- A) The terms and conditions of the existing permit are not being satisfactorily met;
- B) The present surface coal mining and reclamation operations are not in compliance with the environmental protection standards of the Act and the regulatory program;
- C) The requested renewal substantially jeopardizes the operator's continuing ability to comply with the Act and the regulatory program on existing permit areas;
- D) The operator has not provided evidence of having liability insurance or self-insurance as required in 62 Ill. Adm. Code 1800.60;
- E) The operator has not provided evidence that any performance bond required to be in effect for the operation will continue in full force and effect for the proposed period of renewal, as well as any additional bond the Department might require pursuant to 62 Ill. Adm. Code 1800; or
- F) Additional revised or updated information required by the Department has not been provided by the applicant.
- 2) Burden of proof. In the determination of whether to approve or deny the renewal of a permit, the burden of proof shall be on the opponents of renewal.
- d) Renewal term. Any permit renewal shall be for a term not to exceed the period of the original permit established under 62 Ill. Adm. Code 1773.19.
- e) Notice of decision. The Department's decision issued pursuant to subsection (c) shall be made before the expiration of the original permit term. Within five (5) working days, the Department shall send copies of its decision to the applicant, to each person who filed comments or objections on the renewal, to each party to any informal

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- Conference held on the permit renewal, and to the Office of Surface Mining Reclamation and Enforcement (OSMRE).
- f) Administrative and judicial review. Any person having an interest which is or may be adversely affected by the decision of the Department shall have the right to administrative and judicial review set forth in 62 Ill. Adm. Code 1775 1847.3.

(Source: Amended at 17 Ill. Reg. 11083, effective July 1, 1993)

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NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Special Permanent Program Performance Standards--Coal Preparation Plants Not Located Within the Permit Area of a Mine

The Department identified rules that should be amended in order to more effectively carry out its statutory mandate. Section 1827.12 sets forth performance standards for coal preparation plants. Subsection (b) is amended to account for updated regulations.

2) Code Citation: 62 Ill. Adm. Code 1827

16) Information and questions regarding these Adopted Amendments shall be directed to:

3) Section Numbers:

1827.12 Amended

Name: Fred Bowman, Supervisor

4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (225 ILCS 720) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

Address: Land Reclamation Division
Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10197
Springfield, Illinois 62791-0197

5) Effective Date of Amendments: July 1, 1993

Telephone: (217) 782-4970

6) Does this rulemaking contain an automatic repeal date? No

7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No

The full text of Adopted Amendments begins on the next page:

8) Date filed in agency's principal office: July 1, 1993

9) Date Notice of Proposed Amendments published in Illinois Register:

July 10, 1992; 16 Ill. Reg.10803

10) Has JCAR issued a Statement of Objections to this rulemaking? No

11) Changes made between proposed and adopted versions:

The proposed revisions to Section 1827.12(d) were withdrawn and are not being adopted. Stylistic changes were made in response to comments received from the Administrative Code Division and JCAR.

12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency?

No formal agreements between the Department and JCAR were necessary to resolve Committee questions.

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any proposed amendments pending on this Part? No

15) Summary and purpose of amendments:

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 62: MINING
CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 1827
SPECIAL PERMANENT PROGRAM PERFORMANCE STANDARDS--
COAL PREPARATION PLANTS NOT LOCATED
WITHIN THE PERMIT AREA OF A MINE

Section	
1827.1	Scope
1827.11	Applicability
1827.12	Coal Preparation Plants: Performance Standards

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.) [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; codified at 8 Ill. Reg. 16442; amended at 11 Ill. Reg. 8511, effective July 1, 1987; amended at 17 Ill. Reg. 11091, effective July 1, 1993.

Section 1827.12 Coal Preparation Plants: Performance Standards

Construction, operation, maintenance, modification, reclamation, and removal activities at operations covered by this Part shall comply with the following:

- a) Signs and markers for the coal preparation plant, coal processing waste disposal area, and water treatment facilities shall comply with 62 Ill. Adm. Code 1816.11;
- b) Roads shall comply with 62 Ill. Adm. Code 1816.150 and 1816.151;
- c) Any stream channel diversion shall comply with 62 Ill. Adm. Code 1816.43;
- d) Drainage from any disturbed area related to the coal preparation plant shall comply with 62 Ill. Adm. Code 1816.45 through 1816.47 and all discharges from these areas shall meet the requirements of 62 Ill. Adm. Code 1816.41 and 1816.42 and any other applicable State or Federal law;
- e) Permanent impoundments associated with coal preparation plants shall meet the requirements of 62 Ill. Adm. Code 1816.49 and 1816.56. Dams constructed of or impounding coal processing waste shall comply with 62 Ill. Adm. Code 1816.84;
- f) Support facilities related to the coal preparation plant shall comply with 62 Ill. Adm. Code 1816.181-2;
- g) Disposal of coal processing waste, noncoal mine waste, and excess spoil shall comply with 62 Ill. Adm. Code 1816.81 through 1816.87, 1816.89, and 1816.71 through 1816.74, respectively;
- h) Cessation of operations shall be in accordance with 62 Ill. Adm. Code 1816.131 and 1816.132;
- i) Erosion and air pollution attendant to erosion shall be controlled in accordance with 62 Ill. Adm. Code 1816.95;

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- j) Fish, wildlife and related environmental values shall be protected in accordance with 62 Ill. Adm. Code 1816.97;
- k) Adverse effects upon, or resulting from, nearby underground coal mining activities shall be minimized by appropriate measures including, but not limited to, compliance with 62 Ill. Adm. Code 1816.79;
- l) Reclamation shall follow proper topsoil handling, revegetation, backfilling and grading, and post-mining land use procedures in accordance with 62 Ill. Adm. Code 1816.22, 1816.100, 1816.102, 1816.104, 1816.106, 1816.111 through 1816.117, and 1816.133, respectively.

(Source: Amended at 17 Ill. Reg. 11091, effective July 1, 1993)

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- 1) The Heading of the Part: State Enforcement
- 2) Code Citation: 62 Ill. Adm. Code 1843
- 3) Section Numbers: Adopted Action:
- | | |
|---------|----------|
| 1843.12 | Amended |
| 1843.13 | Amended |
| 1843.14 | Amended |
| 1843.15 | Amended |
| 1843.16 | Repealed |
| 1843.17 | Repealed |
| 1843.20 | Repealed |
| 1843.21 | Repealed |
- 4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (225 ILCS 720) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).
- 5) Effective Date of Amendments: July 1, 1993
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No
- 8) Date filed in agency's principal office: July 1, 1993
- 9) Date Notice of Proposed Amendments published in Illinois Register:
July 10, 1992; 16 Ill. Reg.10807
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Changes made between proposed and adopted versions:

In response to comments, Section 1843.14(a)(2) has been revised to provide that alternative service of notices and orders may be made by any means consistent with the rules governing service of summons and complaint in the Illinois circuit courts, rather than with the federal rules of civil procedure. Stylistic changes were made in response to comments received from the Administrative Code Division and JCAR.

- 12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency?

No formal agreements between the Department and JCAR were necessary to

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resolve Committee questions.

- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any proposed amendments pending on this Part? No
- 15) Summary and purpose of amendments:

The Department identified rules that should be amended in order to more effectively carry out its statutory mandate. Section 1843.12 sets forth requirements regarding notices of violation. Subsection (i) has been amended to reflect the Department's reorganization of its hearing rules in this rulemaking.

Section 1843.13 sets forth requirements regarding permit revocation and suspension. Subsection headings have been added at subsections (a) and (a)(4). Subsections (c) and (e) through (k) are amended to reflect the Department's reorganization of its hearing rules in this rulemaking.

Section 1843.14 sets forth requirements regarding service of notices of violation, cessation orders and show cause orders. Subsection (a)(2) is revised to provide an alternative means of service.

Section 1843.15 sets forth provisions for informal public hearings. Subsection (a) is revised to clarify that such hearings may be waived.

Section 1843.16, which set forth requirements regarding formal review of citations, is being repealed due to the Department's reorganization of its hearing rules in this rulemaking. Section 1843.17, which set forth requirements regarding temporary injunctive relief, is being repealed due to the Department's reorganization of its hearing rules in this rulemaking. Sections 1843.20 and 1843.21 set forth intervention and discovery provisions. Both Sections are being repealed due to the Department's reorganization and consolidation of its hearing and procedural rules in this rulemaking. The bulk of Sections 1843.20 and 1843.21 are now contained in new Part 1848.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Fred Bowman, Supervisor

Address: Land Reclamation Division
Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10197
Springfield, Illinois 62791-0197

DEPARTMENT OF MINES AND MINERALS
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Telephone: (217) 782-4970

The full text of Adopted Amendments begins on the next page:

DEPARTMENT OF MINES AND MINERALS
NOTICE OF ADOPTED AMENDMENT(S)
TITLE 62: MINING
CHAPTER I: DEPARTMENT OF MINES AND MINERALS
PART 1843
STATE ENFORCEMENT

Section
1843.11
1843.12
1843.13
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1843.18
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1843.21
1843.22

Cessation Orders
Notices of Violation
Suspension or Revocation of Permits
Service of Notices of Violation, Cessation Orders, and Show Cause Orders
Informal Public Hearing
Formal Review of Citations (Repealed)
Temporary Injunctive Relief (Repealed)
Inability to Comply
Injunctive Relief (Repealed)
Intervention (Repealed)
Discovery (Repealed)
Petitions for Award of Costs and Expenses Under Section 525(e) of the Federal Act

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.) [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; amended at 6 Ill. Reg. 15024, effective December 30, 1982; codified at 8 Ill. Reg. 5932; amended at 9 Ill. Reg. 13334, effective October 10, 1985; amended at 11 Ill. Reg. 8536, effective July 1, 1987; amended at 14 Ill. Reg. 11906, effective January 1, 1991; amended at 17 Ill. Reg. 11095, effective July 1, 1993.

Section 1843.12 Notices of Violation

- a) An authorized representative of the Department shall issue a notice of violation if, on the basis of a State inspection carried out during the enforcement of a State program, he or she finds a violation of the Federal Act, the State Act, or 62 Ill. Adm. Code 1700 - 1850 which does not create an imminent danger or harm for which a cessation order must be issued under Section 1843.11.
- b) A notice of violation issued under ~~Section 1843.12~~ this Section shall be in writing, signed by the authorized representative who issued it, and shall set forth with reasonable specificity:
 - 1) The nature of the violation;
 - 2) The remedial action required, which may include interim steps;
 - 3) A reasonable time for abatement, which may include time for accomplishment of interim steps; and
 - 4) A reasonable description of the portion of the coal exploration

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- or surface coal mining and reclamation operation to which it applies.
- c) An authorized representative of the Department may extend the time set for abatement or for accomplishment of an interim step, if the failure to meet the time previously set was not caused by lack of diligence on the part of the person to whom it was issued. The total time for abatement under a notice of violation, including all extensions, shall not exceed ninety (90) days from the date of issuance, except upon a showing by the person to whom the notice was issued that, despite extraordinary efforts, it is not possible to abate the violation within ninety (90) calendar days due to one (1) or more of the circumstances in subsection(f). An extended abatement date pursuant to ~~subsection-(e)~~ this subsection shall not be granted when the failure or inability to abate within ninety (90) days has been caused by a lack of diligence or intentional delay by the person to whom the notice was issued in completing the remedial action required.
- d) If the person to whom the notice was issued fails to meet any time set for abatement or for accomplishment of an interim step, the authorized representative shall issue a cessation order under Section 1843.11(b).
- e) An authorized representative of the Department shall terminate a notice of violation by written notice to the person to whom it was issued, when he determines that all violations listed in the notice of violation have been abated. Termination shall not affect the right of the Department to assess civil penalties for those violations under 62 Ill. Adm. Code 1845.
- f) Circumstances which may qualify a surface coal mining operation for an abatement period of more than ninety (90) days are:
- 1) Where the permittee of an ongoing permitted operation has timely applied for and diligently pursued a permit renewal or other necessary approval of designs or plans but such permit or approval has not been or will not be issued within ninety (90) days after a valid permit expires or is required, for reasons not within the control of the permittee;
 - 2) Where there is a valid judicial or administrative order precluding abatement within ninety (90) days as to which the permittee has diligently pursued all rights of appeal and as to which he or she has no other effective legal remedy;
 - 3) Where the permittee cannot abate within ninety (90) days due to a labor dispute;
 - 4) Where climatic conditions preclude abatement within ninety (90) days; or where, due to climatic conditions, abatement within ninety (90) days clearly would cause more environmental harm than it would prevent; or
 - 5) Where abatement within ninety (90) days requires action that would violate safety standards established by statute or regulation under the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 - 960); or
 - 6) Where abatement of the violation within ninety (90) days would create an imminent danger to the health or safety of the public

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- or would cause, or could reasonably be expected to cause, significant imminent environmental harm to land, air, or water resources.
- g) Whenever an abatement time in excess of ninety (90) days is permitted, interim abatement measures shall be imposed to the extent necessary to minimize harm to the public or the environment.
- h) If any of the conditions in subsection (f) above exists, the permittee may request the authorized representative to grant an abatement period exceeding ninety (90) days. The authorized representative shall not grant such an abatement period without the concurrence of the Division Supervisor or his or her designee and the abatement period granted shall not exceed the shortest possible time necessary to abate the violation. The permittee shall have the burden of establishing by clear and convincing proof that he or she is entitled to an extension under the provisions of subsections (c) and (f) above. In determining whether or not to grant an abatement period exceeding ninety (90) days the authorized representative may consider any relevant written or oral information from the permittee or any other source. The authorized representative shall promptly and fully document in the file his or her reasons for granting or denying the request. The inspector's immediate supervisor shall review that document before concurring in or disapproving the extended abatement date and shall promptly and fully document the reasons for his or her concurrence or disapproval in the file.
- i) Any determination made by the Department under subsection (h) shall provide for a right of appeal in accordance with ~~Section-1843-16~~ 62 Ill. Adm. Code 1847.4.
- j) No extension granted under subsection (h) above may exceed ninety (90) days in length. Where the condition or circumstances which prevented abatement within ninety (90) days exists at the expiration of any such extension, the permittee may request a further extension, in accordance with the procedures of subsection (h) above.

(Source: Amended at 17 Ill. Reg. 11095, effective July 1, 1993)

Section 1843.13 Suspension or Revocation of Permits

a) Requirements.

- 1) Except as provided in subsection (b) below, the Department shall issue an order to a permittee requiring him to show cause why his permit and right to mine under the State Act should not be suspended or revoked, if the Department determines that a pattern of violations of any requirements of the Federal Act, the State Act, or 62 Ill. Adm. Code 1700 - 1850 or any permit condition exists or has existed, and that the violations were caused by the permittee willfully or through unwarranted failure to comply with those requirements or conditions. Violations by any person conducting surface coal mining operations on behalf of the

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permittee shall be attributed to the permittee, unless the permittee establishes that they were acts of deliberate sabotage.

2) The Department may determine that a pattern of violations exists or has existed, based upon two (2) or more inspections of the permit area within any twelve (12) month period, after considering the circumstances, including:

- A) The number of violations, cited on more than one (1) occasion, of the same or related requirements of the Federal Act, the State Act, 62 Ill. Adm. Code 1700 - 1850 or the permit;
- B) The number of violations, cited on more than one (1) occasion of different requirements of the Federal Act, the State Act, 62 Ill. Adm. Code 1700 - 1850 or the permit; and
- C) The extent to which the violations were isolated departures from lawful conduct.

3) The Department shall determine that a pattern of violations exists, if it finds that there was at least one (1) violation of the same or related requirements of the Federal Act, the State Act, 62 Ill. Adm. Code 1700 - 1850 or the permit during each of at least three (3) State inspections within any twelve (12) month period.

4) Considerations.

- A) In determining the number of violations within any twelve (12) month period, the Department shall consider only violations issued as a result of a State inspection carried out:

- i) During the permanent regulatory program; or
- ii) During the interim regulatory program and before the applicable State program was approved, pursuant to Section 502 or 504 of the Federal Act.

B) The Department may consider violations issued as a result of inspections other than those mentioned in subsection (a)(4)(A)(i) above in determining whether to exercise discretion under subsection (a)(2) above.

b) The Department may decline to issue a show cause order, or may vacate an outstanding show cause order, if it finds that, taking into account exceptional factors present in the particular case, it would be demonstrably unjust to issue or to fail to vacate the show cause order. The basis for this finding shall be fully explained and documented in the records of the case.

c) Whenever a permittee fails to abate a violation contained in a notice of violation or a cessation order within the abatement period set in the notice or order or as subsequently extended, the Supervisor of the Department's Land Reclamation Division shall review the permittee's history of violations to determine whether a pattern of violations exists pursuant to this Section, and shall issue as appropriate an order to show cause, which shall be subject to a hearing under Section 443.134 of 62 Ill. Adm. Code 1847.6.

d) At the same time as the issuance of the order, the Department shall:

- 1) If practicable, publish notice of the order, including a brief statement of the procedure for intervention in the proceeding, in a newspaper of general circulation in the area of the surface coal mining and reclamation operations; and
- 2) Post the notice at the regional, district or field office closest to the area of the surface coal mining and reclamation operation.
- e) The permittee shall have thirty (30) days from the completion of service of a show cause order in which to file an answer and request a hearing in accordance with 62 Ill. Adm. Code 1847.6. If the permittee files an answer to the show cause order and requests a hearing, an administrative hearing shall be provided and conducted in accordance with Sections 10 through 15 of the Illinois Administrative Procedure Act (115 Rev. Stat. 1905, ch. 137, pars. 1010-1015) and Sections 0-47(b) and 0-49 of the State Act. The Department shall give thirty (30) days written notice of the date, time, and place of the hearing to the Office of Surface Mining Reclamation and Enforcement (OSMRE), the permittee, and any intervenor. The Department shall publish the notice, if practicable, in a newspaper of general circulation in the area of the surface coal mining and reclamation operation, and shall post it at the Department's office closest to the operation.
- f) The hearing officer shall be an attorney licensed in the State of Illinois not employed by the Department.
- 2) Show cause hearings shall be held at the Department's Springfield, Illinois office.
- f) At the request of any party, a prehearing conference shall be scheduled by the hearing officer.
- 3) The hearing officer shall be an attorney licensed in the State of Illinois not employed by the Department.
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Department's hearing officer shall issue and serve all parties by certified mail a written determination as to whether a pattern of violations exists and, if appropriate, an order suspending or revoking the permit. Permit suspension shall be imposed if the hearing officer determines that this remedy creates less potential harm to the environment and to the health and safety of the public than permit revocation. The hearing officer's decision shall constitute the Department's final administrative decision. Service of this final administrative decision shall be deemed complete upon mailing.

1) Failure to file a timely answer and request for hearing on a show cause order upon which service is deemed complete under Section 1843.14 shall result in the Department's automatic issuance of an order suspending or revoking the permit and the permittee's right to mine.

3f) If the Department revokes or suspends the permit and the permittee's right to mine the permittee shall immediately cease surface coal mining operations on the permit area and shall:

- 1) If the permit and the right to mine are revoked, complete reclamation within the time specified in the order; or
- 2) If the permit and the right to mine are suspended, complete all affirmative obligations to abate all conditions, practices, or violations, as specified in the order.

4) Judicial review: Following service of the Department's final administrative decision, the permittee may request judicial review of that decision in accordance with Article III of the Code of Civil Procedure (Ill. Rev. Stat., 1965, ch. 110, pars. 3-61 through 3-117).

(Source: Amended at 17 Ill. Reg. 11095, effective July 1, 1993)

Section 1843.14 Service of Notices of Violation, Cessation Orders, and Show Cause Orders

a) A notice of violation, cessation order or show cause order shall be served on the person to whom it is directed or his designated agent promptly after issuance, as follows:

- 1) By tendering a copy at the coal exploration or surface coal mining and reclamation operation to the designated agent or to the individual who, based upon reasonable inquiry by the authorized representative, appears to be in charge of the coal exploration or surface coal mining and reclamation operation referred to in the notice or order. If no such individual can be located at the site, a copy may be tendered to any individual at the site who appears to be an employee or agent of the person to whom the notice or order is issued. Service shall be deemed complete upon tender of the notice or order and shall not be deemed incomplete because of refusal to accept.

- 2) As an alternative to subsection (a)(1) above, service may be made by sending a copy of the notice or order by certified mail to the

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person to whom it is issued or his designated agent. Service of the notice or order shall be deemed complete upon tender of the mail and shall not be deemed incomplete because of refusal to accept or by hand to the person to whom it is issued or his designated agent, or by any alternative means consistent with the rules governing service of a summons and complaint in the Illinois Circuit Courts. Service shall be complete upon tender of the notice or order or of the certified mail and shall not be deemed incomplete because of refusal to accept.

b) The designation of an agent for service of notices and orders shall be made in writing to the Department.

c) The Department shall furnish copies of the notice or order to any person on request.

(Source: Amended at 17 Ill. Reg. 11095, effective July 1, 1993)

Section 1843.15 Informal Public Hearing

a) Except as provided in subsections (b) and (c), a notice of violation or cessation order which requires cessation of mining, expressly or by necessary implication, shall expire within thirty (30) days after it is served unless an informal public hearing, if not waived, has been held within that time. The informal public hearing shall be held at or reasonably close to the mine site so that it may be viewed during the hearing or at any other location acceptable to the Department and the person to whom the notice or order was issued. Expiration of a notice or order shall not affect the Department's right to assess civil penalties with respect to the period of time during which the notice or order was in effect, pursuant to 62 Ill. Adm. Code 1845. For the purposes of Section 1843.15 only, "mining" includes:

- 1) Extracting coal from the earth or from coal waste piles and transporting it within or from the permit area, and
- 2) The processing, cleaning, concentrating, preparing or loading of coal where such operations occur at a place other than at a mine site.

b) A notice of violation or cessation order shall not expire as provided in subsection (a) above, if the condition, practice or violation in question has not been abated, if the informal public hearing has been waived, or if, with the consent of the person to whom the notice or order was issued, the informal public hearing is held later than thirty (30) days after the notice or order was served. For purposes of this subsection:

- 1) The informal public hearing will be deemed waived if the person to whom the notice or order was issued:
 - A) Is informed, by written notice served in the manner provided in subsection (b)(2) below, that he or she will be deemed to have waived an informal public hearing unless he or she requests one within thirty (30) days after service of the

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notice; and
 B) Fails to request an informal public hearing within that time.

2) The written notice referred to in subsection (b)(1)(A) above shall be delivered to such person by an authorized representative or sent by certified mail to such person no later than five (5) days after the notice or order is served on such person.

3) The person to whom the notice or order is issued shall be deemed to have consented to an extension of the time for holding the informal public hearing if his or her request is received on or after the twenty-first (21st) day after service of the notice or order. The extension of time shall be equal to the number of days elapsed after the twenty-first (21st) day.

c) The Department shall give as much advance notice as is practicable of the time, place, and subject matter of the informal public hearing to:

1) The person to whom the notice or order was issued; and

2) Any person who filed a report which led to that notice or order.

d) The Department shall also post notice of the hearing at the Department's office closest to the mine site, and publish it, where practicable, in a newspaper of general circulation in the area of the mine.

e) An informal public hearing shall be conducted by a representative of the Department, who may accept oral or written arguments and any other relevant information from any person attending.

f) Within five (5) days after the close of the informal public hearing, the Department shall affirm, modify, or vacate the notice or order in writing. The decision shall be sent to:

1) The person to whom the notice or order was issued; and

2) Any person who filed a report which led to the notice or order.

g) The granting or waiver of an informal public hearing shall not affect the right of any person to formal review under Sections 8.04(b), 8.06(d), or 8.07 of the State Act. At such formal review proceedings, no evidence as to statements made or evidence produced at an informal public hearing shall be introduced as evidence or to impeach a witness.

h) The person conducting the hearing for the Department shall determine whether or not the mine site should be viewed during the hearing. In making this determination the only consideration shall be whether a review of the mine site will assist the person conducting the hearing in reviewing the appropriateness of the enforcement action or the required remedial action.

(Source: Amended at 17 Ill. Reg. 11095, effective July 1, 1993)

Section 1843.16 Formal Review of Citations (Repealed)

a) A person issued a notice of violation or cessation order under Section 1843.11 or 1843.17 or a person having an interest which is or may be

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adversely affected by the issuance, modification, or termination of a notice or order, may request review of that action by filing an application for review and, if desired, a request for hearing within thirty (30) days after receiving notice of the action. If a hearing is requested, the procedures for this hearing shall conform to 62 Ill. Adm. Code 1843.19. This hearing may be combined with a civil penalty assessment hearing under 62 Ill. Adm. Code 1843. The filing of an application for review and request for a hearing under Section 1843.16 shall not operate as a stay of any notice or order, or of any modification, termination, or vacation of any notice or order.

(Source: Repealed at 17 Ill. Reg. 11095, effective July 1, 1993)

Section 1843.17 Temporary Injunctive Relief (Repealed)

a) Pending completion of the investigation and hearing required by this Part, the applicant may file with the Department a written request that the Department grant temporary injunctive relief pursuant to Section 8.06(b) and (c) of the State Act from any notice or order issued under this Part together with a detailed statement giving reasons for granting such relief. The Department shall issue a written order or decision granting or denying such relief. The applicant shall not apply to the courts for temporary injunctive relief until a written order or decision granting or denying such relief is issued by the Department.

b) If the applicant requests relief from an order for cessation of mining and reclamation operations issued pursuant to Section 1843.11 or 1843.17, the order or decision on such a request shall be issued within five (5) days after its receipt. The Department may grant such relief under such conditions as it may prescribe; if:

1) A hearing has been held in the locality of the permit area on the request for temporary relief in which all parties were given an opportunity to be heard;

2) The applicant shows that there is substantial likelihood that the findings of the Department will be favorable to him; and

3) Such relief will not adversely affect the health and safety of the public or cause significant imminent environmental harm to land, air, or water resources.

(Source: Repealed at 17 Ill. Reg. 11095, effective July 1, 1993)

Section 1843.20 Intervention (Repealed)

a) Any person may petition for leave to intervene at any stage of a proceeding under 62 Ill. Adm. Code 1843.

b) A petitioner for leave to intervene shall incorporate in the petition

- a statement setting forth the interest of the petitioner--and, where required, a showing of why his interest is or may be adversely affected;
- c) The Department or the hearing officer shall grant the petition to intervene where the petitioner:
- 1) Had a statutory right to initiate the proceeding in which he wishes to intervene; or
 - 2) Has an interest which is or may be adversely affected by the outcome of the proceeding;
- d) If neither subsection (c)(1) nor (c)(2) apply, the hearing officer or the Department shall consider the following in determining whether intervention is appropriate:
- 1) The nature of the issues;
 - 2) The adequacy of representation of petitioner's interest which is provided by the existing parties to the proceeding;
 - 3) The ability of the petitioner to present relevant evidence and argument; and
 - 4) The effect of intervention on the agency's implementation of its statutory mandate.
- e) Any person granted leave to intervene in a proceeding may participate in such proceeding as a full party or, if desired, in a capacity less than that of a full party--if an intervenor wishes to participate in a limited capacity, the extent and the terms of the participation shall be at the discretion of the Department.

(Source: Repealed at 17 Ill. Reg. 11095, effective July 1, 1993)

Section 1843.21 Discovery (Repealed)

- a) Discovery methods--Parties may obtain discovery by one or more of the following methods:
- 1) Depositions upon oral examination or upon written questions;
 - 2) Written interrogatories;
 - 3) Production of documents or things or permission to enter upon land or other property for inspection and other purposes; or
 - 4) Requests for admission.
- b) Time for discovery--Following the initiation of a proceeding, the parties may initiate discovery at any time as long as it does not interfere with the conduct of the hearing.
- c) Scope of discovery:
- 1) Unless otherwise limited by order of the hearing officer, in accordance with these rules, the parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the proceeding, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things--and the identity and location of persons having knowledge of any discoverable matter.

- 2) it is not grounds for objection that information sought will not be admissible at the hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence;
- 3) A party may obtain discovery of documents and tangible things otherwise discoverable under subsection (a) and prepared in anticipation of or for the hearing by or for another party's representative (including his attorney, consultant, surety, indemnitor, insurer or agent) only upon a showing that the party seeking discovery has substantial need of the materials in the preparation of his case and that he is unable without undue hardship to obtain the substantial equivalent of the materials by other means--in ordering discovery of such materials when the required showing has been made, the hearing officer shall protect against disclosure of the mental impressions, conclusions, opinions, or legal theories of an attorney or other representative of a party concerning the proceeding;
- 4) Upon motion by a party or the person from whom discovery is sought, and for good cause shown, the hearing officer may make any order for which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following:
 - A) The discovery may not be had;
 - B) The discovery may be had only on specified terms and conditions, including a designation of the time or place;
 - C) The discovery may be had only by a method of discovery other than that selected by the party seeking discovery;
 - D) Certain matters not relevant may not be inquired into; or
 - E) The scope of discovery be limited to certain matters.
- E) Discovery be conducted with no one present except persons designated by the hearing officer; or
- F) A trade secret or other confidential research, development, or commercial information may not be disclosed or be disclosed only in a designated way;
- d) Sequence and timing of discovery--Unless the hearing officer upon motion, for the convenience of parties and witnesses and in the interest of justice, orders otherwise, methods of discovery may be used in any sequence and the fact that a party is conducting discovery, whether by deposition or otherwise, shall not operate to delay any other party's discovery;
- e) Supplementation of responses--A party who has responded to a request for discovery with a response that was complete when made is under no duty to supplement his response to include information thereafter acquired, except as follows:
 - 1) A party is under a duty to timely supplement his response with respect to any question directly addressed to:
 - A) The identity and location of persons having knowledge of discoverable matters; and
 - B) The identity of each person expected to be called as an

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expert--witness--at the hearing--the subject-matter-on-which he-is-expected--to--testify--and--the--substance--of--his testimony;

- 2) A--party--is--under-a-duty-to-timely-amend-a-prior-response-if-he later-obtains-information-upon-the-basis-of-which:
 - A) He-knows-the-response-was-incorrect-when-made;-or
 - B) He-knows-that-the-response-though-correct-when-made--is--no longer-true-and-the-circumstances-are-such-that-a-failure-to amend-the-response-is--in-substance-a-knowing-concealment;
- 3) A--duty--to--supplement--responses-may-be-imposed-by-order-of-the hearing-officer-or-agreement-of-the-parties;
- 4) Motion-to-compel-discovery:
 - 1) if-a-deponent-fails-to-answer-a-question-propounded;-or-a-party upon-whom-a-request-is-made-pursuant-to-subsection-(b))-or-a party-upon-whom-answers-to-interrogatories-are-served-fails-to adequately-respond--or-objects--to--the-request--or-any-part thereof--or-fails-to-permit-inspection-as-requested--the discovering-party-may-move--the-hearing-officer-for-an-order compelling-a-response-or-inspection--in--accordance--with--the request;
- 5) The-motion-shall-set-forth:
 - A) The-nature-of-the-questions-or-request;
 - B) The-response-or-objection-of-the-party-upon-whom-the-request was-served;-and
- 6) Arguments-in-support-of-the-motion;
- 7) For--purposes-of-subsection-(f))-an-evasive-answer-or-incomplete answer-or-response-shall-be-treated-as-a-failure-to-answer-or respond;
- 8) In--ruling-on-a-motion--made--pursuant--to-subsection-(f))-the hearing-officer-may-issue-a-protective-order--if-authorized pursuant-to-subsection-(c)4);
- 9) Failure-to-comply-with-orders-compelling-discovery--if-a-party-or-an officer--director-or-other-agent-of-a-party-fails-to-obey-an-order-to provide-or-permit-discovery--the-hearing-officer-before-whom-the action-is-pending-may-make-such-orders-in-regard-to-the-failure-as-are just;-including-but-not-limited-to-the-following:
 - 1) An-order--that--the-matters-sought-to-be-discovered-or-any-other designated-facts--shall-be-taken-to-be-established-for-the purposes--of-the-action-in-accordance-with-the-claim-of-the-party obtaining-the-order;
 - 2) An-order-refusing-to-allow-the-disobedient-party--to--support--or oppose--designated-claims--or--defenses;-or-prohibiting-him-from introducing-designated-matters-into-evidence;-or
 - 3) An-order-striking-pleadings-or-parts-thereof-or-staying-further proceedings--until--the-order-is-obeyed--or-dismissing-the-action or-proceeding-or-any-party-thereof--or-rendering-a-judgment-by default-against-the-disobedient-party;
- 10) Depositions-upon-oral-examination-or-upon-written-questions:
 - 1) Any party desiring to take the testimony of any other party or

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other-person-by-deposition-upon-oral-examination-shall--without leave--of--the-hearing-officer--give-reasonable-notice-in-writing to-every-other-party--to-the-person-to-be-examined--and--to--the hearing-officer-of;

- A) The-proposed-time-and-place-of-taking-the-deposition?
- B) The--name--and--address--of--each-person-to-be-examined--if known--or-if-the-name-is-not-known--a-general-description sufficient--to-identify-him--or-the-particular-group-or-class to-which-he-belongs;
- C) The-matter-upon-which-each-person-will-be-examined--and B) the-name-or-descriptive-title-and-address--of--the-officer before-whom-the-deposition-is-to-be-taken;
- 2) A--deposition-upon-oral-examination-may--be--taken-before-any officer-authorized-to-administer-oaths-by-the-laws-of-illinois--the-actual-taking-of-the-deposition-upon-oral-examination-shall proceed-as-follows:
 - A) The-deposition-shall-be-on-the-record;
 - B) The-officer-before-whom-the-deposition-is-to-be-taken-shall put-the-witness-under-oath-or-affirmation;
- C) Examination-and-cross--examination-shall-proceed-as--at--a hearing;
- B) All-objections-made-at-the-time-of-the-examination-shall-be noted-by-the-officer-upon-the-deposition--and
- B) The-officer-shall-not-rule-on-objections--to--the--evidence--but--evidence--objected--to--shall-be--taken--subject-to-the objections;
- 4) When-the-testimony-is-fully-transcribed--the-deposition-shall--be submitted--to--the-deponent-for-examination-and-signature--unless examination-and-signature-is-waived-by-the-deponent--the-officer shall-certify-the-deposition-or--if-the-deposition-is-not--signed by--the--deponent--shall-certify-the-reasons-for-the-failure-to sign;
- 5) Where-the-deposition-is-to-be-taken-upon-written-questions--the party--taking-the-deposition-shall-serve-a-copy-of-the-questions-- showing-each-question-separately-and-consecutively-numbered--on every-other-party-with-a-notice-stating-the-name-and-address-of the-person-who-is-to-answer-them--and--the--name--description-- title--and--address--of--the-officer-before-whom-they-are-to-be taken--within-thirty-(30)-days-after-service--any-other-party may-serve-cross-questions--the-questions--cross-questions--and answers--shall-be-recorded--and--signed--and--the--deposition certified--as-in-the-case-of-a-deposition-on-oral-examination;
- 6) A-deposition-will-not-become-a-part-of-the-record-in-the-hearing unless--received--in-evidence--if-only-part-of-a-deposition-is offered-in-evidence-by-a-party--any-other-party-may-introduce-any other-parts;
- 7) The-deponent-may-be-accompanied--represented--and--advised--by legal-counsel;
- 8) Use--of--depositions--At-the-hearing--any-part-or-all-of-a-deposition;

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so far as admissible may be used against any party who was present or represented at the taking of the deposition, or who had reasonable notice thereof, in accordance with any of the following provisions:

- 1) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of a deponent as a witness;
 - 2) The deposition of a party or of anyone who at the time of taking the deposition was an officer, director, or managing agent, or a person designated to testify on behalf of a public or private corporation, partnership, or association, or governmental agency which is a party may be used by an adverse party for any purpose, or
 - 3) The deposition of a witness, whether or not a party, may be used by a party for any purpose if the hearing officer finds that:
 - A) The witness is dead;
 - B) The witness is at a distance greater than one hundred (100) miles from the place of hearing, or is outside the State of Illinois, unless it appears that the absence of the witness was procured by the party offering the deposition;
 - C) The witness is unable to attend or testify because of age, illness, infirmity, or imprisonment;
 - D) The party offering the deposition has been unable to procure the attendance of the witness by subpoena; or
 - E) Such exceptional circumstances exist as to make it desirable in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally at the hearing, to allow the deposition to be used.
- 4) Written interrogatories to parties:
- 1) Any party may serve upon any other party written interrogatories to be answered in writing by the party served, or if the party served is a public or private corporation or a partnership or association or governmental agency, by any officer or agent, who shall furnish such information as is available to the party. A copy of the interrogatories, answers, and all related pleadings shall be served on the hearing officer and upon all parties to the proceeding;
 - 2) Each interrogatory shall be answered separately and fully in writing under oath or affirmation, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers and objections shall be signed by the person making them. The party upon whom the interrogatories were served shall serve a copy of the answers and objections upon all parties to the proceeding within thirty (30) days after service of the interrogatories, or within such shorter or longer period as the hearing officer may allow.
 - 3) Interrogatories may relate to any matters which can be inquired into under subsection (c). An interrogatory otherwise proper is not necessarily objectionable merely because an answer to the interrogatory involves an opinion or contention that relates to

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fact or the application of law to fact, but the hearing officer may order that such an interrogatory need not be answered until after designated discovery has been completed or until a prehearing conference or other later time.

- k) Production of documents and things and entry upon land for inspection and other purposes:
 - 1) Any party may serve on any other party a request to:
 - A) Produce and permit the party making the request or a person acting on his behalf to inspect and copy any designated documents, or to inspect and copy, test or sample any tangible things within the scope of subsection (c) and which are in the possession, custody, or control of the party upon whom the request is served; or
 - B) Permit entry upon designated land or other property in the possession or control of the party upon whom the request is served for the purpose of inspection and measuring, surveying, photographing, testing or sampling the property (including the air, water, and soil) or any designated object or operation thereon within the scope of subsection (c).
 - 2) The request may be served on any party without leave of the hearing officer.
 - 3) The request shall:
 - A) Set forth the items to be inspected either by individual item or by category;
 - B) Describe each item or category with reasonable particularity; and
 - C) Specify a reasonable time, place and manner of making the inspection and performing the related acts.
 - 4) The party upon whom the request is served shall serve on the party submitting the request a written response within thirty (30) days after service of the request.
 - 5) The response shall state with respect to each item or category:
 - A) That inspection and related activities will be permitted, as requested; or
 - B) That objection is made in whole or in part, in which case the reasons for objection shall be stated.
- l) Admissions:
 - 1) A party may serve upon any other party a written request for the admission for purposes of the pending action only of the genuineness and authenticity of any relevant document described in or attached to the request or for the admission of the truth of any specified relevant matter of fact.
 - 2) Each matter of which an admission is requested is admitted unless, within thirty (30) days after service of the request or such shorter or longer time as the hearing officer may allow, the party to whom the request is directed serves on the requesting party:
 - A) A sworn statement denying specifically the relevant matters

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- of which an admission is requested?
- B) A sworn statement setting forth in detail the reasons why he can neither truthfully admit nor deny them?
- C) Writers objections on the grounds that some or all of the matters involved are privileged or irrelevant or that the request is otherwise improper in whole or in part?
- 3) An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless he states that he has made a reasonable inquiry and that the information known or readily obtainable by him is insufficient to enable him to admit or deny.
- 4) The party who has requested the admissions may move to determine the sufficiency of the answer or objection. Unless the hearing officer determines that an objection is justified, he shall order that an answer be served. If the hearing officer determines that an answer does not comply with the requirement of subsection (1), he may order either that the matter is admitted or that an amended answer be served. The hearing officer may, in lieu of these orders, determine that final disposition of the request be made at a prehearing conference or at a designated time prior to hearing.
- 5) Any matter admitted under this subsection (1) is conclusively established unless the hearing officer on motion permits withdrawal or amendment of the admission.
- 6) Any admission made by a party under subsection (1) is for the purpose of the pending action only and is not an admission by him for any other purpose nor may it be used against him in any other proceeding.

(Source: Repealed at 17 Ill. Reg. 11095, effective July 1, 1993)

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NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: State Processes for Designating Areas Unsuitable for Surface Coal Mining Operations
- 2) Code Citation: 62 Ill. Adm. Code 1764
- 3) Section Numbers: Adopted Action:
1764.19 Amended
- 4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (225 ILCS 720) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).
- 5) Effective Date of Amendments: July 1, 1993
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No
- 8) Date filed in agency's principal office: July 1, 1993
- 9) Date Notice of Proposed Amendments published in Illinois Register:
July 10, 1992; 16 Ill. Reg. 10831
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Changes made between proposed and adopted versions:
The citation in Section 1764.19(d) was changed from 1847.3(g) to 1847.3(1) in response to a comment.
- 12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency?
No formal agreements between the Department and JCAR were necessary to resolve Committee questions.
- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any proposed amendments pending on this Part? No
- 15) Summary and purpose of amendments:

The citation amendment in Section 1764.19(d) reflects the Department's

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reorganization of its hearing rules in this rulemaking.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Fred Bowman, Supervisor

Address: Land Reclamation Division
Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10197
Springfield, Illinois 62791-0197

Telephone: (217) 782-4970

The full text of Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENT(S)

TITLE 62: MINING

CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 1764

STATE PROCESSES FOR DESIGNATING AREAS UNSUITABLE
FOR SURFACE COAL MINING OPERATIONS

Section
1764.11 General Process Requirements
1764.13 Petitions
1764.15 Initial Processing, Recordkeeping, and Notification Requirements
1764.17 Hearing Requirements
1764.19 Decision
1764.21 Data Base and Inventory System Requirements
1764.23 Public Information
1764.25 Regulatory Authority Responsibility for Implementation

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.) [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 8510; amended at 11 Ill. Reg. 8567, effective July 1, 1987; amended at 17 Ill. Reg. 11114, effective July 1, 1993.

Section 1764.19 Decision

- a) In reaching its decision, the Department shall use:
- 1) The information contained in the data base and inventory system;
 - 2) Information provided by other governmental agencies;
 - 3) The Land Report prepared under Section 1764.15(c); and
 - 4) Any other relevant information submitted during the comment period.
- b) The Department may decide to designate the petitioned land areas in whole or in part, not to designate the petitioned land areas, or to place conditions on future operations in all or part of the petitioned area which would successfully mitigate the impacts of such operations.
- c) A final written decision shall be issued by the Department, including a statement of reasons, within sixty (60) days of completion of the public hearing, or, if no public hearing is held, then within twelve (12) months after receipt of the complete petition. The Department shall simultaneously send this final administrative decision by certified mail to the petitioner and intervenors and by regular mail to all other persons involved in the proceeding.
- d) The final administrative decision of the Department with respect to a petition, or the failure of the Department to act within the time limits set forth in this Section, shall be subject to judicial review by a court of competent jurisdiction in accordance with State law

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under Section 8.10 of the State Act and 62 Ill. Adm. Code ~~177b-13~~ 1847.3(1). All relevant portions of the data base, inventory system, and public comments received during the public comment period set by the Department shall be considered and included in the record of the administrative proceeding.

(Source: Amended at 17 Ill. Reg. 11114, effective July 1, 1993)

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1) The Heading of the Part: Surface Mining Permit Applications--Minimum Requirements for Information on Environmental Resources

2) Code Citation: 62 Ill. Adm. Code 1779

3) Section Numbers: Adopted Action:

1779.19

Amended

4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (225 ILCS 720) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

5) Effective Date of Amendments: July 1, 1993

6) Does this rulemaking contain an automatic repeal date? No

7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No

8) Date filed in agency's principal office: July 1, 1993

9) Date Notice of Proposed Amendments published in Illinois Register:

July 10, 1992; 16 Ill. Reg.10835

10) Has JCAR issued a Statement of Objections to this rulemaking? No

11) Changes made between proposed and adopted versions:

No substantive changes were made between the proposed and adopted versions.

12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency?

No formal agreements between the Department and JCAR were necessary to resolve Committee questions.

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any proposed amendments pending on this Part? No

15) Summary and purpose of amendments:

The Department identified rules that should be amended in order to more

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effectively carry out its statutory mandate.

Section 1779.19 sets forth requirements for vegetation information which must be included in the permit application. A comma has been added in subsection (b) and the regulation citation corrected.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Fred Bowman, Supervisor

Address: Land Reclamation Division
Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10197
Springfield, Illinois 62791-0197

Telephone: (217) 782-4970

The full text of Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENT(S)

TITLE 62: MINING

CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 1779

SURFACE MINING PERMIT APPLICATIONS - MINIMUM REQUIREMENTS
FOR INFORMATION ON ENVIRONMENTAL RESOURCES

Section	
1779.4	Responsibilities
1779.5	Use of Existing Data
1779.6	Use of Expert Opinion
1779.7	Seasonal Water Quality Data (Repealed)
1779.11	General Requirements
1779.12	General Environmental Resources Information
1779.13	Description of Hydrology and Geology: General Requirements (Repealed)
1779.14	Geology Description (Repealed)
1779.15	Ground Water Information (Repealed)
1779.16	Surface Water Information (Repealed)
1779.17	Alternative Water Supply Information (Repealed)
1779.19	Vegetation Information
1779.20	Fish and Wildlife Resources Information (Repealed)
1779.21	Soil Resources Information
1779.22	Land Use Information
1779.24	Maps: General Requirements
1779.25	Cross Sections, Maps and Plans
1779.27	Prime Farmland Investigation (Repealed)

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.) [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 10013; amended at 11 Ill. Reg. 8585, effective July 1, 1987; amended at 14 Ill. Reg. 11924, effective January 1, 1991; amended at 17 Ill. Reg. 11118, effective July 1, 1993.

Section 1779.19 Vegetation Information

- a) The permit application shall contain a map that delineates existing vegetative types and a description of the plant communities within the proposed permit area and within any proposed reference area. This description shall include information adequate to predict the potential for reestablishing vegetation.
- b) When a map or aerial photograph is required, sufficient adjacent areas shall be included to allow evaluation of vegetation as important habitat for fish and wildlife for those species of fish and wildlife identified under **Section-1779-20 62 Ill. Adm. Code 1780.16**.

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(Source: Amended at 17 Ill. Reg. 11118, effective July 1, 1993)

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NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Surface Mining Permit Applications--Minimum Requirements for Reclamation and Operation Plan

2) Code Citation: 62 Ill. Adm. Code 1780

3) Section Numbers: Adopted Action:

1780.21 Amended
1780.33 Amended
1780.38 Repealed

4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (225 ILCS 720) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

5) Effective Date of Amendments: July 1, 1993

6) Does this rulemaking contain an automatic repeal date? No

7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No

8) Date filed in agency's principal office: July 1, 1993

9) Date Notice of Proposed Amendments published in Illinois Register:

July 10, 1992; 16 Ill. Reg.10839

10) Has JCAR issued a Statement of Objections to this rulemaking? No

11) Changes made between proposed and adopted versions:

The proposed change to Section 1780.21(b)(1)(A) was withdrawn and is not being adopted. Stylistic changes were made in response to comments received from the Administrative Code Division.

12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency?

No formal agreements between the Department and JCAR were necessary to resolve Committee questions.

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any proposed amendments pending on this Part? No

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15) Summary and purpose of amendments:

The Department identified rules that should be amended in order to more effectively carry out its statutory mandate.

Section 1780.33 sets forth requirements for the relocation or use of public roads. A clerical error was corrected in the first paragraph. Section 1780.33 is repealed in order to be consistent with federal regulations.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Fred Bowman, Supervisor

Address: Land Reclamation Division
Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10197
Springfield, Illinois 62791-0197

Telephone: (217) 782-4970

The full text of Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENT(S)

TITLE 62: MINING

CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 1780

SURFACE MINING PERMIT APPLICATION--MINIMUM
REQUIREMENTS FOR RECLAMATION AND OPERATION PLAN

Section	Responsibilities
1780.4	Use of Existing Data
1780.5	Use of Expert Opinion
1780.6	Operation Plan: General Requirements
1780.11	Operation Plan: Existing Structures
1780.12	Operation Plan: Blasting
1780.13	Operation Plan: Maps and Plans
1780.14	Air Pollution Control Plan
1780.15	Fish and Wildlife Plan
1780.16	Reclamation Plan: General Requirements
1780.18	Hydrologic Information
1780.21	Geologic Information
1780.22	Reclamation Plan: Post-mining Land Uses
1780.23	Reclamation Plan: Ponds, Impoundments, Banks, Dams, and Embankments
1780.25	Reclamation Plan: Surface Mining Near Underground Mining
1780.27	Diversions
1780.29	Protection of Public Parks and Historic Places
1780.31	Relocation or Use of Public Roads
1780.33	Disposal of Excess Spoil
1780.35	Transportation Facilities
1780.37	Rehabilitation of Siltation Structures, Diversions, Impoundments, and Treatment Facilities (Repealed)
1780.38	Support Facilities
1780.39	

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.) [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 8511; amended at 11 Ill. Reg. 8602, effective July 1, 1987; amended at 14 Ill. Reg. 11911, effective January 1, 1991; amended at 15 Ill. Reg. 17294, effective January 1, 1992; amended at 17 Ill. Reg. 11122, effective July 1, 1993.

Section 1780.21 Hydrologic Information

- a) All water quality analyses performed to meet the requirements of this Section shall be conducted according to the methodology in the 15th edition of "Standard Methods for the Examination of Water and Wastewater," (1980) which is incorporated by reference, or

- methodology in 40 CFR 136 and 434. Water quality sampling performed to meet the requirements of this Section shall be conducted according to either methodology listed above when feasible. "Standard Methods for the Examination of Water and Wastewater" (1980) is a joint publication of the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation and is available from the American Public Health Association, 1015 15th Street, NW, Washington D.C. 20036. This document is also available for inspection at the Land Reclamation Division, Department of Mines and Minerals, 300 West Jefferson Street, Suite 300, P.O. Box 10197, Springfield, Illinois 62791-0197.
- b) The application shall contain the following baseline hydrologic information. When this information is insufficient for the Department to determine if adverse impacts may result to the hydrologic balance, additional information shall be required, such as but not limited to water supply contamination or diminution.
- 1) Ground water information. The location and ownership for the permit and adjacent area of existing wells, springs, and other ground water resources, seasonal quality and quantity of ground water, and usage.
- A) Ground water quality descriptions shall include, at a minimum, pH, total dissolved solids, hardness, alkalinity, acidity, sulfates, total iron and total manganese. The Department shall allow the measurement of specific conductance in lieu of total dissolved solids if the permittee develops site-specific relationships precisely correlating specific conductance to total dissolved solids for specific sites for all zones being monitored.
- B) Ground water quantity descriptions shall include, at a minimum, **approximate** rates of discharge or usage and elevation of the potentiometric surface in the coal to be mined, in each water-bearing stratum above the coal to be mined, and in each water-bearing stratum which may be potentially impacted below the coal to be mined.
- 2) Surface water information. The name, location, ownership, and description of all surface water bodies, such as streams, lakes, and impoundments, the location of any discharge into any surface water body in the proposed permit and adjacent areas, and information on surface water quality and quantity sufficient to demonstrate seasonal variation and water usage.
- A) Water quality descriptions shall include, at a minimum, baseline information on pH, total suspended solids, total dissolved solids, alkalinity, acidity, sulfates, total iron, and total manganese. The Department shall allow the measurement of specific conductance in lieu of total dissolved solids if the permittee develops site-specific relationships precisely correlating specific conductance to total dissolved solids for specific sites for all surface water points being monitored.
- B) Water quantity descriptions shall include, at a minimum, baseline information on seasonal flow rates.
- 3) If the determination of probable hydrologic consequences required by subsection (f) below indicates that adverse impacts on or off the proposed permit area may occur to the hydrologic balance, or that acid-forming or toxic-forming material is present that may result in the contamination of ground or surface water supplies, then information supplemental to that required under subsections (1) and (2) above shall be provided to evaluate such probable hydrologic consequences and to plan remedial and reclamation activities. Such supplemental information shall be based upon drilling, hydrogeologic analyses of water-bearing strata, flood flows, or analysis of other water quality or quantity characteristics.
- c) Baseline cumulative impact area information.
- 1) Hydrologic and geologic information for the cumulative impact area necessary to assess the probable cumulative hydrologic impacts of the proposed operation and all anticipated mining on surface and ground water systems as required by subsection (g) below shall be provided to the Department, if available from appropriate Federal or State agencies.
- 2) If the information is not available from such agencies, then the applicant may gather and submit this information to the Department as part of the permit application.
- 3) The permit shall not be approved until the necessary hydrologic and geologic information is available to the Department.
- d) The use of modeling techniques, interpolation or statistical techniques will enhance the evaluation of hydrological impacts, but actual surface and ground water information may be required by the Department for the purposes of calibration of such models for each site even when such techniques are used.
- e) If the determination of probable hydrologic consequences required in subsection (f) below indicates that the proposed mining operation may proximately result in the contamination, diminution, or interruption of an underground or surface water source of water within the proposed permit or adjacent areas which is used for domestic, agricultural, industrial, or other legitimate purpose, then the application shall contain information on water availability and alternative water sources, including the suitability of the alternate water source for existing premining uses and approved post-mining land uses.
- f) Determination of the probable hydrologic consequences (PHC).
- 1) The application shall contain a determination of the probable hydrologic consequences of the proposed surface mining activities, on the proposed permit area and adjacent area, with respect to the hydrologic regime and the quantity and quality of water in surface and ground water systems under all seasonal conditions, including the contents of dissolved and total suspended solids, total iron, pH, total manganese, and other

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parameters required by the Department if such parameters are necessary to assure an accurate determination of probable hydrologic consequences.

- 2) The PHC determination shall be based on baseline hydrologic, geologic and other information collected for the permit application and may include data statistically representative of the site.

- 3) The PHC determination shall include findings on:
 - A) Whether adverse impacts may occur to the hydrologic balance;
 - B) Whether acid-forming or toxic-forming materials are present that could result in the contamination of surface or ground water supplies;
 - C) Whether the proposed operation may proximately result in contamination, diminution or interruption of an underground or surface source of water within the proposed permit or adjacent areas which is used for domestic, agricultural, industrial, or other legitimate purposes such as recreational and fish and wildlife uses; and

- D) What impact the proposed operation will have on:
 - i) sediment yield from the disturbed area;
 - ii) acidity, total suspended and dissolved solids, and other important water quality parameters of local impact;
 - iii) flooding or stream-flow alteration;
 - iv) ground water and surface water availability; and
 - v) other characteristics as required by the Department, based upon public comment, Interagency Committee comment, and the Department's technical review.

- 4) An application for permit revision shall be reviewed by the Department to determine whether a new or updated PHC determination shall be required.

- g) Cumulative hydrologic impact assessment
 - 1) The Department shall provide an assessment of the probable cumulative hydrologic impacts of the proposed operation and all anticipated mining upon surface and ground water systems in the cumulative impact area. This assessment shall be sufficient for purposes of permit approval, to determine whether the proposed operation has been designed to prevent material damage to the hydrologic balance outside the permit area. The Department shall allow the submittal of data and analyses by the permittee in accordance with subsection (c) above.

- 2) An application for a permit revision shall be reviewed by the Department to determine whether a new or updated assessment shall be required.

- h) The application shall include a plan with maps and descriptions, indicating how the relevant requirements of 62 Ill. Adm. Code 1816.41 through 1816.43 will be met. The plan shall be specific to local hydrologic conditions. It shall contain steps to be taken during mining and reclamation through bond release to minimize disturbances

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to the hydrologic balance within the permit and adjacent areas; to prevent material damage outside the permit area; to meet applicable Federal and State water quality laws and regulations and to protect the rights of present water users. The plan shall include the measures to be taken to avoid acid or toxic drainage; prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow; provide water treatment facilities when needed; control drainage; restore approximate premining recharge capacity and protect or replace rights of present water users. The plan shall specifically address any potential adverse hydrologic consequences identified in subsection (f) and shall include preventative and remedial measures.

- i) Ground water monitoring plan
 - 1) The application shall include a ground water monitoring plan based upon the determination of probable hydrologic consequences required under subsection (f) and the analyses of all baseline hydrologic, geologic and other information in the permit application. The plan shall provide for the monitoring of parameters that relate to the suitability of the ground water for current and approved post-mining land uses and to the objectives for protection of the hydrologic balance set forth in subsection (h) above. It shall identify the quantity and quality parameters to be monitored, sampling frequency and site locations. It shall describe how the data may be used to determine the impacts of the operation on the hydrologic balance. At a minimum, the parameters to be monitored shall include pH, total dissolved solids, hardness, alkalinity, acidity, sulfates, total iron, total manganese and water levels. The Department shall allow the measurement of specific conductance in lieu of total dissolved solids if the permittee develops site-specific relationships precisely correlating specific conductance to total dissolved solids for specific sites for all zones being monitored. Data shall be submitted to the Department every three months for each monitoring location. The Department may require additional monitoring, such as increased parameters or frequency, if it is determined that the existing or proposed monitoring program is not designed to detect adverse impacts to the hydrologic balance.

- 2) If an applicant can demonstrate by the use of the probable hydrologic consequences determination and other available information that a particular water-bearing stratum in the proposed permit and adjacent areas is not one which serves as an aquifer which significantly ensures the hydrologic balance within the cumulative impact area, then monitoring of that stratum may be waived by the Department.

- j) Surface water monitoring plan
 - 1) The application shall include a surface water monitoring plan based upon the determination of probable hydrologic consequences required in subsection (f) above and the analysis of all baseline hydrologic, geologic and other information in the permit

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application. The plan shall provide for the monitoring of parameters that relate to the suitability of the surface water for current and approved post-mining land uses, to the objectives for protection of the hydrologic balance set forth in subsection (h) above and the effluent limitations in 40 CFR 434.

2) The plan shall identify the surface water quantity and quality parameters to be monitored, sampling frequency and site locations. It shall describe how the data may be used to determine the impacts of the operation upon the hydrologic balance.

- A) At all monitoring locations in the surface water bodies such as streams, lakes and impoundments, that are potentially impacted or into which water will be discharged and at upstream monitoring locations pH, total dissolved solids, total suspended solids, alkalinity, acidity, sulfates, total iron, total manganese and flow shall be monitored. The Department shall allow the measurement of specific conductance in lieu of total dissolved solids if the permittee develops site-specific relationships precisely correlating specific conductance to total dissolved solids for specific sites for all locations being monitored.
- B) For point-source discharges, monitoring shall be conducted in accordance with 40 CFR 122, 123 and 434 and as required by the Illinois Environmental Protection Agency (IEPA).
- 3) All surface water monitoring reports, including those required by the IEPA, shall be submitted to the Department every three (3) months. The Department shall require additional monitoring if it is determined that the existing or proposed monitoring plan is not adequate to detect adverse impacts to the hydrologic balance.

(Source: Amended at 17 Ill. Reg. 11122, effective July 1, 1993)

Section 1780.33 Relocation or Use of Public Roads

Each application shall describe, with appropriate maps and cross-sections, the measures to be used to ensure that the interests of the public and landowners affected are protected if, under 62 Ill. Adm. Code 1761.12(dc), the applicant seeks to have the Department approve:

- a) Conducting the proposed surface mining activities within one hundred (100) feet of the right-of-way line of any public road, except where mine access or haul roads join that right-of-way; or
- b) Relocating a public road, after approval by local officials or State government.

(Source: Amended at 17 Ill. Reg. 11122, effective July 1, 1993)

Section 1780.38 Rehabilitation of Siltation Structures, Diversions,

NOTICE OF ADOPTED AMENDMENT(S)

Impoundments and Treatment Facilities (Repealed)

Each application shall contain a detailed rehabilitation plan for each siltation structure, diversion, impoundment and treatment facility to be implemented and completed prior to abandoning the permit area. Departures from detailed design plans required elsewhere in this part shall be set out with specificity and supporting documentation.

(Source: Repealed at 17 Ill. Reg. 11122, effective July 1, 1993)

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Underground Mining Permit Applications-- Minimum Requirements for Information on Environmental Resources

2) Code Citation: 62 Ill. Adm. Code 1783

3) Section Numbers: Adopted Action:
1783.19 Amended

4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (225 ILCS 720) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

5) Effective Date of Amendments: July 1, 1993

6) Does this rulemaking contain an automatic repeal date? No

7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No

8) Date filed in agency's principal office: July 1, 1993

9) Date Notice of Proposed Amendments published in Illinois Register:

July 10, 1992; 16 Ill. Reg.10849

10) Has JCAR issued a Statement of Objections to this rulemaking? No

11) Changes made between proposed and adopted versions:

No substantive changes were made between the proposed and adopted versions.

12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency?

No formal agreements between the Department and JCAR were necessary to resolve Committee questions.

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any proposed amendments pending on this Part? No

15) Summary and purpose of amendments:

The Department identified rules that should be amended in order to more

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NOTICE OF ADOPTED AMENDMENTS

effectively carry out its statutory mandate.

Section 1783.19 sets forth requirements for revegetation information which must be included in the permit application. The amendment to subsection (b) corrects the regulation citation.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Fred Bowman, Supervisor

Address: Land Reclamation Division
Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10197
Springfield, Illinois 62791-0197

Telephone: (217) 782-4970

The full text of Adopted Amendments begins on the next page:

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 62: MINING
CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 1783
UNDERGROUND MINING PERMIT APPLICATIONS--MINIMUM
REQUIREMENTS FOR INFORMATION ON ENVIRONMENTAL RESOURCES

Section	Requirements
1783.4	Responsibilities
1783.5	Use of Existing Data
1783.6	Use of Expert Opinion
1783.7	Seasonal Water Quality Data (Repealed)
1783.11	General Requirements
1783.12	General Environmental Resources Information
1783.13	Description of Hydrology and Geology: General Requirements (Repealed)
1783.14	Geology Description (Repealed)
1783.15	Ground Water Information (Repealed)
1783.16	Surface Water Information (Repealed)
1783.19	Vegetation Information
1783.20	Fish and Wildlife Resources Information (Repealed)
1783.21	Soil Resources Information
1783.22	Land Use Information
1783.24	Maps: General Requirements
1783.25	Cross-Sections, Maps, and Plans
1783.27	Prime Farmland Investigation (Repealed)

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7902.01, 7902.02 and 7909.01) [225 ILCS 720/2.01, 2.02, 9.01].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 4937; amended at 11 Ill. Reg. 8632, effective July 1, 1987; amended at 14 Ill. Reg. 11929, effective January 1, 1991; amended at 17 Ill. Reg. 11131, effective July 1, 1993.

Section 1783.19 Vegetation Information

- The permit application shall, if required by the Department, contain a map that delineates existing vegetative types and a description of the plant communities within the area affected by surface operations and facilities and within any proposed surface reference area. This description shall include information adequate to predict the potential for reestablishing vegetation.
- When a map or aerial photograph is required, sufficient adjacent areas shall be included to allow evaluation of vegetation as important habitat for fish and wildlife identified under Section-1783-20 62 Ill. Adm. Code 1784.21.

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(Source: Amended at 17 Ill. Reg. 11131, effective July 1, 1993)

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NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Underground Mining Permit Applications-- Minimum Requirements for Reclamation and Operation Plan

2) Code Citation: 62 Ill. Adm. Code 1784

3) Section Numbers:

1784.14

1784.18

1784.27

Adopted Action:

Amended

Amended

Repealed

4) Statutory Authority: Based upon and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (225 ILCS 720) and the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

5) Effective Date of Amendments: July 1, 1993

6) Does this rulemaking contain an automatic repeal date? No

7) Does the adopted amendment contain incorporations by reference pursuant to Section 6.02(b) of the Act? No

8) Date filed in agency's principal office: July 1, 1993

9) Date Notice of Proposed Amendments published in Illinois Register:

July 10, 1992; 16 Ill. Reg. 10853

10) Has JCAR issued a Statement of Objections to this rulemaking? No

11) Changes made between proposed and adopted versions:

The proposed change to Section 1784.14(b)(1)(A) was withdrawn and is not being adopted. Stylistic changes were made in response to comments received from the Administrative Code Division.

12) Were all the changes agreed upon by JCAR and the agency made as indicated in the agreement letter issued by JCAR to the agency?

No formal agreements between the Department and JCAR were necessary to resolve Committee questions.

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any proposed amendments pending on this Part? No

DEPARTMENT OF MINES AND MINERALS

NOTICE OF ADOPTED AMENDMENTS

15) Summary and purpose of amendments:

The Department identified rules that should be amended in order to more effectively carry out its statutory mandate.

Section 1784.18 sets forth requirements for the relocation or use of public roads. A clerical error was corrected in the first paragraph. Section 1784.27 is repealed in order to be consistent with federal regulations.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Fred Bowman, Supervisor

Address: Land Reclamation Division
Department of Mines and Minerals
300 West Jefferson, Suite 300
P.O. Box 10197
Springfield, Illinois 62791-0197

Telephone: (217) 782-4970

The full text of Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENT(S)

NOTICE OF ADOPTED AMENDMENT(S)

CHAPTER I: DEPARTMENT OF MINES AND MINERALS
TITLE 62: MININGPART 1784
UNDERGROUND MINING PERMIT APPLICATIONS--MINIMUM
REQUIREMENTS FOR RECLAMATION AND OPERATION PLAN

Section	
1784.4	Responsibilities
1784.5	Use of Existing Data
1784.6	Use of Expert Opinion
1784.11	Operation Plan: General Requirements
1784.12	Operation Plan: Existing Structures
1784.13	Reclamation Plan: General Requirements
1784.14	Hydrologic Information
1784.15	Reclamation Plan: Post-mining Land Uses
1784.16	Reclamation Plan: Ponds, Impoundments, Banks, Dams, and Embankments
1784.17	Protection of Public Parks and Historic Places
1784.18	Relocation or Use of Public Roads
1784.19	Underground Development Waste
1784.20	Subsidence Control Plan
1784.21	Fish and Wildlife Plan
1784.22	Geologic Information
1784.23	Operation Plan: Maps and Plans
1784.24	Transportation Facilities
1784.25	Return of Coal Processing Waste to Abandoned Underground Workings
1784.26	Air Pollution Control Plan
1784.27	Rehabilitation of Siltation Structures, Diversions, Impoundments, and Treatment Facilities (Repealed)
1784.29	Diversions
1784.30	Support Facilities

AUTHORITY: Adopted and authorized by the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1991, ch. 96 1/2, pars. 7901.01 et seq.) [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 9350; amended at 11 Ill. Reg. 8652, effective July 1, 1987; amended at 14 Ill. Reg. 11935, effective January 1, 1991; amended at 15 Ill. Reg. 17301, effective January 1, 1992; amended at 17 Ill. Reg. 11135, effective July 1, 1993.

Section 1784.14 Hydrologic Information

- a) All water quality analyses performed to meet the requirements of this Section shall be conducted according to the methodology in the 15th edition of "Standard Methods for the Examination of Water and Wastewater," (1980) which is incorporated by reference, or the methodology in 40 CFR 136 and 434. Water quality sampling performed

to meet the requirements of this Section shall be conducted according to either methodology listed above when feasible. "Standard Methods for the Examination of Water and Wastewater" (1980) is a joint publication of the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation and is available from the American Public Health Association, 1015 15th Street, NW., Washington D.C. 20036. This document is also available for inspection at the Land Reclamation Division, Department of Mines and Minerals, 300 West Jefferson Street, Suite 300, P.O. Box 10197, Springfield, Illinois 62791-0197.

- b) The application shall contain the following baseline hydrologic information. When this information is insufficient for the Department to determine if adverse impacts may result to the hydrologic balance, additional information shall be required, such as but not limited to water supply contamination or diminution.

1) Ground water information.

The location and ownership for the permit and adjacent area of existing wells, springs, and other ground water resources, seasonal quality and quantity of ground water, and usage.

- A) Ground water quality descriptions shall include, at a minimum, pH, total dissolved solids, hardness, alkalinity, acidity, sulfates, total iron, total manganese and chlorides. The Department shall allow the measurement of specific conductance in lieu of total dissolved solids if the permittee develops site-specific relationships precisely correlating specific conductance to total dissolved solids for specific sites for all zones being monitored.

- B) Ground water quantity descriptions shall include, at a minimum, approximate rates of discharge or usage and elevation of the potentiometric surface in the coal to be mined, in each water-bearing stratum above the coal to be mined, and in each water-bearing stratum which may be potentially impacted below the coal to be mined.

2) Surface water information.

The name, location, ownership, and description of all surface water bodies, such as streams, lakes, and impoundments, the location of any discharge into any surface water body in the proposed permit and adjacent areas, and information on surface water quality and quantity sufficient to demonstrate seasonal variation and water usage.

- A) Water quality descriptions shall include, at a minimum, baseline information on pH, total suspended solids, total dissolved solids, alkalinity, acidity, sulfates, total iron, total manganese and chlorides. The Department shall allow the measurement of specific conductance in lieu of total dissolved solids if the permittee develops site-specific relationships precisely correlating specific conductance to total dissolved solids for specific sites for all surface

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water points being monitored.

- B) Water quantity descriptions shall include, at a minimum, baseline information on seasonal flow rates.

- 3) If the determination of probable hydrologic consequences required by subsection (e) indicates that adverse impacts on or off the proposed permit area may occur to the hydrologic balance, or that acid-forming or toxic-forming material is present that may result in the contamination of ground or surface water supplies, then information supplemental to that required under subsections (1) and (2) above shall be provided to evaluate such probable hydrologic consequences and to plan remedial and reclamation activities. Such supplemental information shall be based upon drilling, hydrogeologic analyses of water-bearing strata, flood flows, or analysis of other water quality or quantity characteristics.

- c) Baseline cumulative impact area information.

- 1) Hydrologic and geologic information for the cumulative impact area necessary to assess the probable cumulative hydrologic impacts of the proposed operation and all anticipated mining on surface and ground water systems as required by subsection (f) below shall be provided to the Department, if available from appropriate Federal or State agencies.

- 2) If the information is not available from such agencies, then the applicant may gather and submit this information to the Department as part of the permit application.

- 3) The permit shall not be approved until the necessary hydrologic and geologic information is available to the Department.

- d) The use of modeling techniques, interpolation or statistical techniques may be included as part of the permit application if such techniques will enhance the evaluation of hydrological impacts, but actual surface and ground water information may be required by the Department for the purposes of calibration of such models for each site even when such techniques are used.

- e) Determination of the probable hydrologic consequences (PHC).

- 1) The application shall contain a determination of the probable hydrologic consequences of the proposed operation on the proposed permit area, shadow area and adjacent area, with respect to the hydrologic regime and the quantity and quality of water in surface and ground water systems under all seasonal conditions, including the contents of dissolved and total suspended solids, total iron, pH, total manganese, and other parameters required by the Department if such parameters are necessary to assure an accurate determination of probable hydrologic consequences on a site-specific basis.

- 2) The PHC determination shall be based on baseline hydrologic, geologic and other information collected for the permit application and may include data statistically representative of the site.

- 3) The PHC determination shall include findings on:

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- A) Whether adverse impacts may occur to the hydrologic balance;
B) Whether acid-forming or toxic-forming materials are present that could result in the contamination of surface-or ground-water supplies; and

- C) What impact the proposed operation will have on:

- i) sediment yield from the disturbed areas;
- ii) acidity, total suspended and dissolved solids, and other important water quality parameters of local impact;
- iii) flooding or stream-flow alteration;
- iv) ground-water and surface-water availability; and
- v) other characteristics as required by the Department, based upon public comment, Interagency Committee comment and the Department's technical review.

- 4) An application for a permit revision shall be reviewed by the Department to determine whether a new or updated PHC determination shall be required.

- f) Cumulative hydrologic impact assessment.

- 1) The Department shall provide an assessment of the probable cumulative hydrologic impacts of the proposed operation and all anticipated mining upon surface and ground water systems in the cumulative impact area. This assessment shall be sufficient for purposes of permit approval, to determine whether the proposed operation has been designed to prevent material damage to the hydrologic balance outside the permit area. The Department shall allow the submittal of data and analyses by the permittee in accordance with subsection (c) above.

- 2) An application for a permit revision shall be reviewed by the Department to determine whether a new or updated assessment shall be required.

- g) The application shall include a plan with maps and descriptions, indicating how the relevant requirements of 62 Ill. Adm. Code 1817, including 62 Ill. Adm. Code 1817.41 through 1817.43, will be met. The plan shall be specific to local hydrologic conditions. It shall contain steps to be taken during mining and reclamation, through bond release, to minimize disturbances to the hydrologic balance within the permit, shadow, and adjacent areas; to prevent material damage outside the permit area; to meet the applicable Federal and State water quality laws and regulations. The plan shall include the measures to be taken to avoid acid or toxic drainage; prevent, to the extent possible, using the best technology currently available, additional contributions of suspended solids to streamflow; provide water treatment facilities when needed; control drainage; restore approximate premining recharge capacity. The plan shall specifically address any potential adverse hydrologic consequences identified in subsection (e) above and shall include preventative and remedial measures.

- h) Ground water monitoring plan.

- 1) The application shall include a ground water monitoring plan

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based upon the determination of probable hydrologic consequences required under subsection (e) above and the analyses of all baseline hydrologic, geologic and other information in the permit application. The plan shall provide for the monitoring of parameters that relate to the suitability of the ground water for current and approved post-mining land uses and to the objectives for protection of the hydrologic balance set forth in subsection (g) above. It shall identify the quantity and quality parameters to be monitored, sampling frequency and site locations. It shall describe how the data may be used to determine the impacts of the operation on the hydrologic balance. At a minimum, the parameters to be monitored shall include pH, total dissolved solids, hardness, alkalinity, acidity, sulfates, total iron, total manganese and water levels. The Department shall allow the measurement of specific conductance in lieu of total dissolved solids if the permittee develops site-specific relationships precisely correlating specific conductance to total dissolved solids for specific sites for all zones being monitored. Data shall be submitted to the Department every three months for each monitoring location. The Department may require additional monitoring, such as increased parameters or frequency, if it is determined that the existing or proposed monitoring program is not designed to detect adverse impacts to the hydrologic balance. If an applicant can demonstrate by the use of the probable hydrologic consequences determination and other available information that a particular water-bearing stratum in the proposed permit and adjacent areas is not one which serves as an aquifer which significantly ensures the hydrologic balance within the cumulative impact area, then monitoring of that stratum may be waived by the Department.

1) Surface water monitoring plan.

1) The application shall include a surface water monitoring plan based upon the determination of probable hydrologic consequences required in subsection (e) above and the analysis of all baseline hydrologic, geologic and other information in the permit application. The plan shall provide for monitoring of parameters that relate to the suitability of the surface water for current and approved post-mining land uses, to the objectives for protection of the hydrologic balance as set forth in subsection (g) above, and to the effluent limitations in 40 CFR 434.

2) The plan shall identify the surface water quantity and quality parameters to be monitored, sampling frequency and site locations. It shall describe how the data may be used to determine the impacts of the operation upon the hydrologic balance.

A) At all monitoring locations in the surface water bodies such as streams, lakes and impoundments, that are potentially impacted or into which water will be discharged and at upstream monitoring locations, pH, total dissolved solids,

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total suspended solids, alkalinity, acidity, sulfates, total iron, total manganese and flow shall be monitored. The Department shall allow the measurement of specific conductance in lieu of total dissolved solids if the permittee develops site-specific relationships precisely correlating specific conductance to total dissolved solids for specific sites for all locations being monitored.

B) For point-source discharges, monitoring shall be conducted in accordance with 40 CFR 122, 123 and 434 and as required by the Illinois Environmental Protection Agency (IEPA).

3) All surface water monitoring reports, including those required by the IEPA, shall be submitted to the Department every three (3) months. The Department shall require additional monitoring if it is determined that the existing or proposed monitoring plan is not adequate to detect adverse impacts to the hydrologic balance.

(Source: Amended at 17 Ill. Reg. 11135, effective July 1, 1993)

Section 1784.18 Relocation or Use of Public Roads

Each application shall describe, with appropriate maps and cross sections, the measures to be used to ensure that the interests of the public and landowners affected are protected if, under 62 Ill. Adm. Code 1761.12(dg), the applicant seeks to have the Department approve:

- a) Conducting the proposed surface activities of an underground mining operation within one hundred (100) feet measured horizontally of the right-of-way line of any public road, except where mine access or haul roads join that right-of-way; or
- b) Relocating a public road, subject to State or local government approval.

(Source: Amended at 17 Ill. Reg. 11135, effective July 1, 1993)

Section 1784.27 Rehabilitation of Siltation Structures, Diversions, Impoundments, and Treatment Facilities (Repealed)

Each application shall contain a detailed rehabilitation design plan for each siltation structure, diversion, impoundment, and treatment facility to be implemented and completed prior to abandoning the permit area. Departures from detailed design plans required elsewhere in this Part shall be set out with specificity and supporting documentation.

(Source: Repealed at 17 Ill. Reg. 11135, effective July 1, 1993)

ILLINOIS PLANNING COUNCIL ON DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED RULES

1) Heading of the Part: Americans With Disabilities Act Grievance Procedure

2) Code Citation: 4 Ill. Adm. Code 800

3) Section Numbers: Adopted Action:

800.10 New Section
800.20 New Section
800.30 New Section
800.40 New Section
800.50 New Section
800.60 New Section
800.70 New Section
800.80 New Section
Appendix A New Section

4) Statutory Authority: Implementing Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131-12134), as specified in Title II regulations (28 CFR 35.107), and as authorized by Section 2006 of the Illinois Planning Council on Developmental Disabilities Law (Ill. Rev. Stat. 1991, ch. 91 1/2, par. 1956) [20 ILCS 4010/2006].

5) Effective Date of Rule: July 1, 1993

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rule contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: June 29, 1993

9) Notice of Proposal Published in the Illinois Register: July 31, 1992 at 16 Ill. Reg. 11988

10) Has JCAR issued a Statement of Objections to this rule? No

11) Differences between the proposal and final version: Minor grammatical changes made and the Illinois Compiled Statutes cites were added where appropriate.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes. None were requested.

ILLINOIS PLANNING COUNCIL ON DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED RULES

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rule: As required by the Americans With Disabilities Act of 1990, this rule establishes a procedure whereby qualified persons with disabilities may resolve allegations of discrimination on the basis of disability.

16) Information and questions regarding this adopted rule shall be directed to:

Ms. Kerry Flynn
Illinois Planning Council on Developmental Disabilities
830 South Spring Street
Springfield, Illinois 62704

The full text of the Adopted Rule begins on the next page:

ILLINOIS PLANNING COUNCIL ON DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED RULES

CHAPTER XXIX: ILLINOIS PLANNING COUNCIL ON DEVELOPMENTAL DISABILITIES
TITLE 4: DISCRIMINATION PROCEDURES

PART 800
AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Section

- 800.10 Purpose
 - 800.20 Definitions
 - 800.30 Grievances
 - 800.40 Manner of Filing
 - 800.50 Initial Response
 - 800.60 Review
 - 800.70 Accessibility
 - 800.80 Case-by-Case Resolution
- APPENDIX A
Grievance Form

AUTHORITY: Implementing Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131-12134), as specified in Title II Regulations (28 CFR 35.107), and as authorized by Section 2006 of the Illinois Planning Council on Developmental Disabilities Law (Ill. Rev. Stat. 1991, ch. 91 1/2, par. 1956) [20 ILCS 4010/2006].

SOURCE: Adopted at 17 Ill. Reg. 11143, effective July 1, 1993.

Section 800.10 Purpose

- a) This Part establishes an Americans With Disabilities Act Grievance Procedure pursuant to the Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) (ADA), and specifically Section 35.107 of the Title II regulations (28 CFR 35.107) requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities. Should any individual desire to review the ADA or its regulations to understand the rights, privileges and remedies afforded by it, please contact the designated coordinator.
- b) In general, the ADA requires that each program, service and activity offered by the Illinois Planning Council on Developmental Disabilities (Council), when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.
- c) It is the intention of the Council to foster open communication with all individuals requesting readily accessible programs, services and activities. The Council encourages supervisors of programs, services and activities to respond to requests for modifications before they become grievances.

Section 800.20 Definitions

A "complainant" is an individual with a disability who files a

ILLINOIS PLANNING COUNCIL ON DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED RULES

grievance on the form set out in Appendix A or this Part.

The "designated coordinator" is the person appointed by the Director of the Council who is responsible for the coordination of efforts of the Council to comply with and carry out its responsibilities under Title II of the ADA, including the investigation of grievances filed by complainants. The designated coordinator for the Council can be contacted at the Illinois Planning Council on Developmental Disabilities, 830 South Spring, Springfield, Illinois 62704 (217)782-9696 (voice) or (312)814-7151 (TDD).

"Director" means the Director of the Illinois Planning Council on Developmental Disabilities.

A "grievance" is any complaint under the ADA by an individual with a disability who meets the essential eligibility requirements for participation in, or receipt of, the benefits of a program, activity or service offered by the Council, and believes he or she has been excluded from participation in, or denied the benefits of, any program, service or activity of the Council or has been subject to discrimination by the Council on the basis of his or her disability.

Section 800.30 Grievances

- a) The Council will endeavor to respond to and resolve grievances without the need to resort to the formal grievance procedure established by this Part. A person who wishes to avail himself or herself of the formal procedure, however, may do so only by filing a grievance within 180 calendar days after the alleged discrimination in the form and manner prescribed in Section 800.40 of this Part.
- b) The Council shall provide a copy of the grievance procedure and required complaint form to anyone who requests it or expresses a desire to file a formal grievance.

Section 800.40 Manner of Filing

- a) The filing of a grievance is accomplished by the complainant's submission of a grievance in writing to the designated coordinator on the prescribed form. (See Appendix A of this Part)
- b) In order to be deemed filed and to receive proper consideration by the designated coordinator, the grievance form must be completed in full except as otherwise indicated on the form. The designated coordinator will notify the complainant within ten business days after the receipt of the form if the filing is not complete. The Council will assist with completion of the grievance form upon request.

Section 800.50 Initial Response

The designated coordinator, or his/her representative, shall investigate the

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grievance and shall make reasonable efforts to resolve it. The designated coordinator shall provide a written response to the complainant and the Director within ten (10) business days after receipt of the grievance form.

Section 800.60 Review

- a) If the grievance has not been resolved by the designated coordinator to the satisfaction of the complainant, the complainant may submit a copy of the grievance form and designated coordinator's response to the Director for final review. The complainant shall submit these documents to the Director, together with a short written statement explaining the reason(s) for dissatisfaction with the designated coordinator's written response. The Director will extend the period for submitting the review request and supporting documents for up to ten (10) additional days upon complainant's request.
- b) The Director shall appoint a three (3) member panel to review the grievance. One member so appointed shall be designated chairman.
- c) The complainant shall be afforded an opportunity to appear before the panel. Complainant shall have a right to appoint a representative to appear on his/her behalf. The panel shall review the designated coordinator's written response and may conduct interviews and seek advice as it deems appropriate.
- d) The panel shall make recommendations in writing to the Director as to the proper resolution of the grievance. All recommendations shall include reasons for such recommendations and shall bear the signatures of the concurring panel members. A dissenting member of the panel may also make a signed, written recommendation to the Director.
- e) Upon receipt of recommendations from a panel, the Director shall approve, disapprove or modify the panel recommendations, shall render a decision thereon in writing, shall state the basis therefor, and shall cause a copy of the decision to be served on the parties. The Director's decision shall be final. If the Director disapproves or modifies the panel's recommendations, the Director shall include written reasons for such disapproval or modification.
- f) A complainant's failure to appeal the designated coordinator's response for review by the Director within the specified time limits shall mean that the complainant has withdrawn the grievance or has accepted the last response given by the coordinator.

Section 800.70 Accessibility

The Council shall ensure that all stages of the grievance procedure are readily accessible to and usable by individuals with disabilities.

Section 800.80 Case-by-Case Resolution

Each grievance involves a unique set of factors that includes but is not limited to: the specific nature of the disability; the essential eligibility requirements for, the benefits to be derived from, and the nature of the

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service, program or activity at issue; the health and safety of others; and whether an accommodation would constitute a fundamental alteration to the program, service or activity or undue hardship on the Council. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other complainants should rely.

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Section 800.APPENDIX A Grievance Form

Grievance
Discrimination Based on Disability

It is the policy of the Illinois Planning Council on Developmental Disabilities to provide assistance in filling out this form. If assistance is needed, please ask:

ADA Coordinator - Illinois Planning Council on Developmental Disabilities
830 South Spring Street
Springfield, Illinois 62704
(217) 782-9696 (Voice)
(312) 814-7151 (TDD)

Name: _____

Address: _____

City, State and Zip Code: _____

Telephone No.: _____

Program, Service, or Activity to which Access was Denied or in which Alleged Discrimination occurred: _____

Date of Alleged Discrimination: _____

Nature of Alleged Discrimination: _____

(Attach additional sheets, if necessary. If the grievance is based on a denial of requested reasonable modification, please fill out the back of this form.)

I certify that I am qualified or otherwise eligible to participate in the program, service or activity and the above statements are true to the best of my knowledge and belief.

Signature _____ Date _____
Please give to the ADA Coordinator at the address listed above.
For Office Use Only

Date Received: _____ By: _____

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(BACK OF FORM)

Please fill out this part of the form if this grievance is based upon the denial of a requested reasonable modification. A reasonable modification will be made to make programs, services, and activities accessible. Reasonable modifications could include such things as providing auxiliary aides and devices and changing some policies and requirements to allow an individual with a disability to participate. This portion of the form should be filled in to the extent you know the answers. The form may be submitted even if this portion is incomplete.

Reasonable Modification Requested: _____

The Date the Reasonable Modification was Requested: _____

The Person to whom the Request was made: _____

The Reason for Denial: _____

Estimated Cost of Modification (If an Assistive Device, such as a TDD or Optical reader, or Commodity or Service to which a Cost is Readily Known): _____

Why is the requested modification necessary to use or participate in the program, service, or activity? _____

Alternative modifications which may provide accessibility: _____

Any other information you believe will aid in a fair resolution of this grievance. _____

ILLINOIS PLANNING COUNCIL ON DEVELOPMENTAL DISABILITIES

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- 1) Heading of the Part: Grants
- 2) Code Citation: 59 Ill. Adm. Code 400
- 3) Section Numbers:

400.10	New Section
400.20	New Section
400.30	New Section
400.40	New Section
400.50	New Section
400.60	New Section
400.70	New Section
400.80	New Section
400.90	New Section
400.100	New Section
400.110	New Section
400.120	New Section
- 4) Statutory Authority: Implementing and authorized by the Illinois Planning Council on Developmental Disabilities Law (Ill. Rev. Stat. 1991, ch. 91 1/2, par. 1951 et seq.) [20 ILCS 4010/2001 et seq.]
- 5) Effective Date of Rule: July 2, 1993
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 30, 1993
- 9) Notice of Proposal Published in the Illinois Register: July 31, 1992 at 16 Ill. Reg. 11996
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between the proposal and final version: Technical and grammatical changes accepted as recommended by Adm. Code and JCAR. Illinois Compiled Statutes cites were added where appropriate. In brief, the following changes have been made:

In Section 400.10: Reference has been added regarding State priority area activities.

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- In Section 400.20: Two definitions have been added; these are "Authorized Agent" and "State Priority Area Activities".
- In Section 400.40: Language has been added to clarify the Council's audit requirements for grantees and written stipulations for Council grantees.
- In Section 400.50: Subsections have been relabeled and points assigned for the criteria for review of applications/proposals. Three new subsections have been added which indicate that the Council reserves the right to consider the applicant's past performance; the Council makes the final determination for award of funds; and adds language regarding conflict of interest in the review process.
- In Section 400.60: Language has been added further clarifying the Appeals Process.
- In Section 400.70: Language has been added to further clarify the requirements of the Council for quarterly and final reports.
- In Section 400.80: A new subsection has been added regarding the confidentiality of personally identifiable information in the monitoring and evaluation of Council grantees.
- In Section 400.90: Language has been added to clarify the circumstances and procedures for suspension and termination. Two new subsections have been added regarding a grantee's right to appeal.
- In Section 400.100: Subsection a) has been moved to Section 400.40 g) and the remaining subsections have been relabeled.
- Section 400.110: Has been relabeled General Provisions - Recordkeeping.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
 - 13) Will this rule replace an emergency rule currently in effect? No
 - 14) Are there any amendments pending on this Part? No
 - 15) Summary and Purpose of Rule: This rulemaking explains how to apply for grants, what information is considered in awarding grants, and grant award requirements.

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16) Information and questions regarding this adopted rule shall be directed to:

Ms. Kerry Flynn
 Illinois Planning Council on Developmental Disabilities
 830 South Spring Street
 Springfield, Illinois 62704

The full text of the Adopted Rule begins on the next page:

CHAPTER IV: ILLINOIS PLANNING COUNCIL ON DEVELOPMENTAL DISABILITIES
 TITLE 59: MENTAL HEALTH

PART 400
GRANTS

Section	Purpose
400.10	Definitions
400.20	Notice, General Characteristics of, and Eligibility for Grants
400.30	Grant Applications
400.40	Approval of Applications/Proposals
400.50	Appeals Process
400.60	Quarterly and Final Reports
400.70	Monitoring and Evaluation
400.80	Suspension and Termination
400.90	Other Requirements
400.100	General Provisions - Recordkeeping
400.110	General Provisions - Allowable Expenses
400.120	

AUTHORITY: Implementing and authorized by the Illinois Planning Council on Developmental Disabilities Law (Ill. Rev. Stat. 1991, ch. 91 1/2, par. 1951 et seq.) [20 ILCS 4010/2001 et seq.]

SOURCE: Adopted at 17 Ill. Reg. 11151, effective July 2, 1993.

Section 400.10 Purpose

The Illinois Planning Council on Developmental Disabilities is the recipient of federal funds under the State Basic Support Program under the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1990 (42 U.S.C. 6000 et seq.). For the purposes of this Act, the Council awards grants to individuals and organizations to implement activities in the Federal and State priority areas, as identified in the State Plan. State priority area activities may include, but are not limited to, education, housing, employment, family and individual supports, access services, community support/service support coordination, health, advocacy, and early intervention. Such grants are used to make a significant contribution toward enhancing the independence, productivity, and integration of persons with developmental disabilities into the community. The purpose of this Part is to explain how to apply for grants, what information is considered in awarding grants, and what procedures are used to grant awards.

Section 400.20 Definitions

As used in this Part:

"Authorized Agent": means any individual or organization contracted

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by the Council to act on behalf of the Council.

"Council": means the Illinois Planning Council on Developmental Disabilities.

"Director": means the Director of the Illinois Planning Council on Developmental Disabilities or authorized representative.

"FFY": means federal fiscal year.

"Federal Priority Area Activities": means activities and assistance for persons with developmental disabilities required under 42 U.S.C. 6000 et seq.

"Grant Agreement": means a form describing provisions of a grant award which must contain signatures of the parties involved certifying agreement of the contract.

"Grantee": means the recipient of Council funds.

"Project Period": means the length of time for which a grant is approved using Council funds.

"RFP": means a Request for Proposal.

"State Plan": means the Plan required under 42 U.S.C. 6000 et seq.

"State Priority Area Activities": means priority area activities in an area considered essential by the Council.

Section 400.30 Notice, General Characteristics of, and Eligibility for Grants

- a) The Council provides grants for the following general purposes:
 - 1) To provide initial start-up funding for projects in their developmental stages.
 - 2) To fund demonstration or replication projects.
 - 3) To provide technical assistance in state-of-the-art practices.
 - 4) To provide research to promote the integration, productivity, and independence of people with developmental disabilities.
- b) The Council provides notice of the availability of RFPs through announcements disseminated to its mailing list comprised of State agencies, providers of services, people with developmental disabilities and their families, and other interested individuals.

Section 400.40 Grant Applications

Applicants, which include individuals, for-profit and not-for-profit agencies and organizations may apply for grants from the Council through a competitive RFP process. All applicants must sign and comply with a statement of

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assurances that:

- a) If a grantee provides direct services to persons with developmental disabilities, a written individualized plan is in effect for persons served which meets the requirements of Section 123 of the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1990 (42 U.S.C. 6000 et seq.).
- b) The preservation of all constitutional and other rights of persons with developmental disabilities will be maintained. Grant recipients must acknowledge receipt of and compliance with a complete list of these rights as found in Section 110 and required by Section 122(b)(6)(C) of the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1990 (42 U.S.C. 6000 et seq.).
- c) Buildings used in connection with the programs and projects funded by the Council will meet the standards adopted pursuant to the Architectural Barriers Act of 1968 (42 U.S.C. 4151 et seq.).
- d) Adherence to Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).
- e) Affirmative action is taken to employ and advance in employment qualified handicapped individuals on the same terms as required by the Rehabilitation Act of 1973.
- f) Adherence to the provisions of the Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).
- g) All grantees receiving more than \$25,000 per year in federal grant funds shall submit to the Council a copy of the agency's annual audit within twelve (12) months after completion of the final report. Grantees who are not-for-profit agencies and institutions of higher education shall comply with the federal Office of Management and Budget (OMB) Circular No. A-133, "Audits of Institutions of Higher Education and Other Non-Profit Institutions" and with the Single Audit Act of 1984 (31 U.S.C. 7501 et seq.). Grantees who are units of State and local governments shall comply with the Single Audit Act of 1984 and OMB Circular No. A-128, "Audits of State and Local Governments," as subrecipients of federal funds. All other grantees shall comply by obtaining an audit of the Council funded project that includes the specifications in subsection (k) below.
- h) Agree to enter into and comply with all stipulations as stated in the grant agreement, grant award letter, and/or any other written stipulations made by the Council. As an example of the written stipulation, grantees shall comply with the reporting requirements of the Council.
- i) Agree that any changes or amendments to the signed grant agreement must have the prior approval of the Director.
- j) Provision of a drug free workplace and completion of a "Drug Free Workplace Certification." By completing this certification, the grantee certifies that they will not engage in the unlawful manufacture, distribution, possession or use of a controlled substance in the performance of the grant.
- k) In order to satisfactorily meet the fiscal and audit requirements of the Council, financial records must fully disclose the amount and

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disposition of the proceeds of the grant funds; reflect the total cost of the project; disclose the amount of that portion of the cost of the project or undertaking supplied by other sources; and be made available to duly authorized representatives of the federal or State government for the purpose of audit and examination of any books, documents and records of the recipients of such funds.

- 1) Funds awarded to the grantee will be expended not later than one year, unless stipulated otherwise by the Council, following the grant start-up and/or the date the grantee begins to incur expenses as specified in the grant agreement.
- m) If an application for a grant is filed by a corporation, the applicant must have the necessary legal authority to apply for and to receive the proposed grant. Proof of this authority shall be the signature of the Chief Executive Officer and a copy of the certificate of incorporation.
- n) The activities and services for which assistance is sought under the program will be administered by or under the supervision of the applicant in accordance with the laws and regulations applicable to the contract. Subcontractors must be approved at the time of initial application or by requesting the approval of the Director of the Council in writing during the course of the grant.
- o) The applicant is not prohibited from entering into a contract by Section 33E-3 or 33E-4 of the Criminal Code of 1961 (Ill. Rev. Stat. 1991, ch. 38, pars. 33E-3, 33E-4) [720 ILCS 5/33E-3, 33E-4].
- p) The applicant is not prohibited from entering into a contract by Section 10.1 of the Illinois Purchasing Act (Ill. Rev. Stat. 1991, ch. 127, par. 132-10.1) [30 ILCS 505/10.1].
- q) The applicant is not prohibited from entering into a contract by Section 11.1 of the Illinois Purchasing Act (Ill. Rev. Stat. 1991, ch. 127, par. 132-11.1) [30 ILCS 505/11.1].

Section 400.50 Approval of Applications/Proposals

- a) A review team shall be established by the Director for each RFP category. Each review team shall be composed of persons with developmental disabilities, their representatives, Council staff and other individuals outside the Council who have experience or expertise in the subject area of the RFP category.
- b) Each review team will review and evaluate the pool of applications which are postmarked on or before the due date specified in the RFP and advise the Council on the outcomes of its review.
- c) Proposals shall be evaluated in accordance with the following criteria:
 - 1) Project description and benefits - Whether the proposal adequately describes the intent of the RFP and its related activities and the benefits to people with developmental disabilities and their families. (20 points)
 - 2) Project implementation and quality assurance - Whether the proposal describes an implementation strategy that sets forth

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measurable objectives, evaluation criteria, and timeframes for accomplishing each goal of the RFP on forms provided by the Council. (50 points)

- 3) Budget - Whether the proposal accounts for its budget request by identifying specific uses of grant funds and whether the budget is reasonable and cost effective in view of the proposed goals of the project (e.g., personnel, fringe, travel, commodities, etc.) on forms provided by the Council. (10 points)
 - 4) Project staff and qualifications - Whether the proposal provides adequate detail to demonstrate the applicant's capability and expertise to implement the project. (20 points)
 - d) The Council reserves the right to consider the applicant's past performance on other Council grants in addition to the criteria listed immediately above.
 - e) The Council shall make the final determinations for award of funds as specified in the provisions of subsections (c)(1-4) and (d) above.
 - f) Individuals who are employed by or affiliated with the applicant, or who have an appearance of or a known conflict of interest, or who have a financial interest in an application shall not participate in the review process.
- Section 400.60 Appeals Process**
- a) Any individual or organization denied an award or who received a written notice of suspension or termination in accordance with Section 400.90 of this Part may appeal the decision. A written request for appeal that includes a clear, concise statement of the reason for the appeal must be received by the Chairperson of the Council within thirty (30) calendar days of the denial or written notice.
 - b) Within fourteen (14) calendar days after receipt of the request for an appeal, the Chairperson shall appoint an Appeals Committee representative of the membership composition of the Council. The membership of the Appeals Committee shall not include individuals who are affiliated with the individual or organization requesting the appeal.
 - c) Within thirty (30) calendar days after appointment, the Appeals Committee shall convene a meeting and review any documentation presented by the individual or organization. The individual or organization will be invited to appear before the Appeals Committee.
 - 1) The individual or organization may submit any evidence which they believe is relevant to the appeal.
 - 2) The Appeals Committee may also request the individual or organization to supply additional information related to the issue being appealed.
 - 3) The Appeals Committee will advise the individual or organization of their decision in writing within ten (10) calendar days after the meeting and provide the reasons for denial or overturning the original decision.
 - d) An individual or organization may withdraw the appeal at any time

ILLINOIS PLANNING COUNCIL ON DEVELOPMENTAL DISABILITIES

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during the appeals process.

- 1) The withdrawal shall be submitted in writing to the Chairperson of the Council.
- 2) The Council shall acknowledge the withdrawal of the appeal and advise the individual or organization that the appeal is formally closed.
- 3) The Council shall furnish copies of the acknowledgement of the withdrawal to the members of the Appeals Committee.
- e) The decision of the Appeals Committee is final.

Section 400.70 Quarterly and Final Reports

Grantees are required to submit to the Council quarterly reports and a final report for the project. The Council may require grantees to submit monthly narrative reports that provide documented evidence of progress toward meeting the goals and objectives of the project, for example, when the project period is less than twelve (12) months.

- a) Each quarterly report should be submitted to the Council within 30 days after the completion of each quarter and shall provide, at a minimum:
 - 1) Documented evidence of progress toward meeting the goals and objectives for the quarter.
 - 2) Expenditure accounting of Council grant funds for the quarter in a form provided by the Council.
- b) A final report shall be submitted to the Council by the grantee within 30 days after the conclusion of each project year. Each final report shall provide, at a minimum:
 - 1) Overall summary of the accomplishments in addressing the goals and objectives of the approved proposal.
 - 2) Description of the final product and/or outcomes.
 - 3) Description of any major inconsistencies between the obligations of the grant recipient and the approved proposal and the final product.
 - 4) Final expenditure report in a form provided by the Council.

Section 400.80 Monitoring and Evaluation

- a) Grantees shall permit any Council staff or their authorized agent to have full access to and the right to examine any programs, documents, papers, and records of the grantee involving transactions related to a grant from the Council. The Council shall provide written notice in advance of its request to examine the information.
- b) Grantees shall comply with federal and State statutes and rules and regulations governing the confidentiality of personally identifiable information concerning persons receiving or applying for services from the grantee related to the project. When the Council or its authorized agent intends to examine any documents that may contain personally identifiable information, the Council shall provide written notice to the grantee fourteen (14) days in advance of the date the

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examination will be made.

Section 400.90 Suspension and Termination

- a) Suspension - In the event that a grantee fails to comply with the terms and conditions of the grant award or the circumstances specified in subsection (b)(2) below, the Council shall, after written notice to the grantee, suspend the grant and withhold further payments and prohibit the grantee from incurring additional obligations of grant funds, pending resolution of the issue(s), or termination. The Council may require the submission of a written plan of action to address the issues in dispute. Payments to the grantee will resume upon resolution of the issues in dispute.
- b) Termination - The grant may be terminated for the following reasons:
 - 1) In the event of a partial or total loss of federal funding, or the failure of the Illinois General Assembly to appropriate or otherwise make available funds to the Council, the Council may make proportional or total cuts to all grants. In this event the Council will give written notice to grantees setting forth the effective date of full or partial termination, or, if a change in funding is required, setting forth the change in funding and changes in the approved budget.
 - 2) In the event that the Council determines that the grantee has failed to comply with the terms and conditions of the grant award and agreement, the Council may terminate the grant in whole, or in part, at any time upon written notice to the grantee. Circumstances that could result in termination of a grant include, but are not necessarily limited to, the following: failure to submit required reports; failure to maintain required records; misuse of equipment purchased with grant funds; falsification or misrepresentation of information to the Council; failure to meet goals, objectives, and timeframes identified by the grantee in its proposal; and failure to resolve issues in dispute during suspension. Written notice shall contain the reasons for termination and the effective date.
 - 3) All grants issued under this Part shall be governed by the Illinois Grant Funds Recovery Act (Ill. Rev. Stat. 1991, ch. 127, par. 2301 et seq.) [30 ILCS 705/1 et seq.]. Funds granted for the operation of projects awarded must be used exclusively for the purposes stated in the approved proposal and expended in accordance with the approved budget, spending plan, grant agreement, or as amended and the grantee's policies and procedures related to such expenditures.
- c) A grantee may appeal the Council's decision to suspend or terminate a grant, except the decision pursuant to subsection (b)(1) above.
- d) Section 400.60 of this Part shall govern the appeals process.

Section 400.100 Other Requirements

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- a) Ownership of grant materials - Unless otherwise stipulated by the terms of the grant agreement:
- 1) If copyrightable material is developed during the course of or under the grants, the Council has a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use and to authorize others to use, the work for State and federal government purposes.
 - 2) The cover of the product or report shall attribute sponsorship of the work to the Illinois Planning Council on Developmental Disabilities and shall contain a statement that the contents do not necessarily represent the policy of that agency.
 - 3) All equipment with a unit cost of \$500 or more purchased by Council grant funds becomes the property of the Council unless stipulated otherwise in conjunction with the grant award.
- b) A minimum of one hundred (100) copies of the final approved product shall be made available to the Council unless stipulated otherwise in the RFP.

Section 400.110 General Provisions - Recordkeeping

The applicant will maintain records on program and fiscal activities related to each award for a period of five (5) years following the end of the grant period. Such records shall include a fiscal accounting for all funds in accordance with generally accepted governmental accounting principles.

Section 400.120 General Provisions - Allowable Expenses

Costs must meet the following criteria to be allowable expenses for Council grant award funds:

- a) Be necessary and reasonable to carry out the goals/intent of the approved project.
- b) Be authorized under the approved budget and not prohibited by federal, State or local laws or regulations.
- c) Conform to any specifications set forth in the approved project or this part and grant monitoring procedures.
- d) Not be used to supplant services and activities from other funding sources.
- e) Not exceed in total the approved budget amount.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Structural Engineering Licensing Act of 1989
- 2) Code Citation: 68 Ill. Adm. Code 1480
- 3) Section Numbers: Adopted Action:
1480.130 Amendment
1480.150 Amendment
1480.190 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111, pars. 6606, 6610, 6611 and 6614 [225 ILCS 340/6, 10, 11 and 14].
- 5) Effective Date of Amendments: July 1, 1993
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 28, 1993
- 9) Date Notice of Proposal Published in Illinois Register: April 2, 1993, at 17 Ill. Reg. 4149.
- 10) Has ICAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposal and final version:
The only changes involved strike-outs, underlines and style in response to comments made by the Administrative Code Division and the Joint Committee on Administrative Rules.
- 12) Have all the changes agreed upon by the Agency and ICAR been made as indicated in the agreement letter issued by ICAR? Yes.
- 13) Will these Amendments replace an Emergency Amendment currently in effect? No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments:

This rulemaking accomplishes the following:

1. Clarifies that experience in the practice of structural engineering must be under the employ or immediate supervision of a U.S. licensed engineer legally practicing structural engineering.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

2. Changes the grading of Part I of the Fundamentals of Engineering examination to pass/fail.
3. Corrects an error in the Renewals Section of the Rules to show that every license issued to a corporation or partnership under The Structural Engineering Licensing Act of 1989 shall expire on April 30 of each odd-numbered year instead of each even-numbered year.

The Structural Engineering Board advised the Department that experience should be acquired under the direct supervision of a U.S. licensed engineer because the building codes and restrictions in the United States are not utilized throughout the world. The Board believes it is imperative that the supervisor be familiar with U.S. building codes and restrictions so that the individual acquiring the structural engineering experience will become familiar with them before being licensed.

The Board also recommended that applicants for licensure be notified of a pass/fail score on the Special Structural I examination since it is not an educational type exam but a minimum proficiency examination.

- 16) Information and questions regarding this amended part shall be directed to:

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0800

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1480

THE STRUCTURAL ENGINEERING LICENSING ACT OF 1989

Section	Statutory Authority (Repealed)
1480.10	Licensure (Repealed)
1480.20	Approved Education Qualifications (Repealed)
1480.30	Approved Experience Qualifications (Repealed)
1480.40	Renewals (Renumbered)
1480.45	Restoration of Expired Certificate (Repealed)
1480.50	Granting Variances (Renumbered)
1480.60	Approved Structural Engineering Curriculum
1480.110	Definition of Degree in Related Science
1480.120	Approved Experience
1480.130	Application for Licensure by Examination
1480.140	Examination
1480.150	Restoration
1480.160	Endorsement
1480.170	Inactive Status
1480.180	Renewals (Renumbered)
1480.190	Corporations and Partnerships
1480.200	Standards of Professional Conduct
1480.210	Granting Variances (Renumbered)
1480.220	

AUTHORITY: Implementing the Structural Engineering Licensing Act of 1989 (Ill. Rev. Stat. 1991, ch. 111, pars. 6601 through 6638) [225 ILCS 340] and authorized by Section 60(7) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 60(7)) [20 ILCS 2105/60(7)].

SOURCE: Adopted at 4 Ill. Reg. 22, p. 242, effective May 15, 1980; amended at 4 Ill. Reg. 44, p. 475, effective October 20, 1980; codified at 5 Ill. Reg. 11068; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; transferred from Chapter I, 68 Ill. Adm. Code 480 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1480 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2947; emergency amendment at 13 Ill. Reg. 5781, effective April 5, 1989, for a maximum of 150 days, amended at 13 Ill. Reg. 13891, effective August 22, 1989; amended at 15 Ill. Reg. 7081, effective April 29, 1991; amended at 17 Ill. Reg. 11162, effective July 1, 1993.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

Section 1480.130 Approved Experience

- a) Each individual application shall be reviewed by the Board to determine whether the experience required for licensure meets the requirements described in this Section. Approved experience shall have been acquired after receipt of the baccalaureate degree.

- 1) Credit for one year of experience shall be given for completion of graduate study resulting in a master's or doctor's degree in structural engineering. The course of study shall include a minimum of at least 8 semester hours, or their equivalent (e.g., 12 quarter hours), of structural analysis, behavior, or design courses.

- 2) The maximum credit for graduate study shall be one year.

- 3) Credit for all required experience or any remaining experience as set forth in Section 1480.140 shall be given for actual experience in the practice of structural engineering under the employ or immediate supervision of a U.S. licensed engineer legally practicing structural engineering. Such experience shall require the application of technical knowledge and structural engineering principles.

- 4) Each applicant shall submit evidence of at least 2 years of engineering experience in a position of responsible charge while in the employ of or under the immediate personal supervision of a U.S. licensed engineer legally practicing structural engineering. In this category the applicant shall have directed the work, with responsibility for the successful accomplishment of the work, including demonstrated capability of making independent technical decisions to fulfill a structural engineering duty and being accountable for the performance of those duties.

- 5) Credit for a maximum of 3 years of the experience required for licensure shall be given for the full-time teaching of upper division junior/senior courses or graduate courses in structural engineering as a part of, or in conjunction with, an approved engineering curriculum as set forth in Section 1480.110. An academic year of full-time teaching (2 semesters, or 3 quarters) at a level of assistant professor, or higher, shall be considered equivalent to 6 months of the experience required for licensure. This teaching experience shall be fully documented and certified by an affidavit from the department chairman, or dean, of the engineering curriculum involved. Applicants qualifying under this subsection are exempt from the requirement of subsection 4.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

- b) While an applicant may receive either experience credit, education credit, teaching credit, or a combination of these, such applicant shall not receive more than one year's total credit for any one year (i.e., overlapping experience, education or teaching shall be credited to only one category).

(Source: Amended at 17 Ill. Reg. 11162, effective July 1, 1993)

Section 1480.150 Examination

- a) The examination for licensure as a structural engineer shall be divided into three parts, each part being 8 hours in duration.

- 1) Fundamentals of Engineering. This examination shall consist of problems or other examining techniques designed to evaluate the applicant's knowledge of the basic and engineering sciences and related subjects normally considered as the fundamentals of engineering.

- 2) Part I of the Structures Examination. This examination shall consist of problems or other examining techniques relating to designs in or to the practice of structural engineering as described in Section 5 of the Act.

- 3) Part II of the Structures Examination. This examination shall consist of problems or other examining techniques relating to designs in structural engineering. Such problems may include, but not be limited to bridges, buildings, foundations, and lateral forces. All applicants shall be required to successfully complete the solution of the specified seismic design problem contained in Part II of the structures examination.

- b) The examination administered by the Department shall be provided by the National Council of Examiners for Engineering and Surveying (NCEES). The specific examination content shall be as determined by periodic evaluations of the test specifications by NCEES.

- c) The scoring of the examinations and determination of scores shall be as approved by NCEES.

- d) Separate scores shall be given for the Fundamentals of Engineering, Part I, and Part II. The passing score on the Fundamentals of Engineering and Part I shall be 70. Part I and Part II shall be graded as pass/fail. Once an applicant fails a Part(s) of the examination, that Part(s) shall not be awarded.

- e) Retake of Examination.

- 1) Applicants shall be required to retake only the Part(s) on which a passing score was not achieved.

DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF EMERGENCY RULES

- 2) If an applicant neglects, fails without an approved excuse (illness, military service, motor vehicle accident occurring on date of examination, etc.), or refuses to take the next available examination offered for licensure under this Act, the fee paid by the applicant shall be forfeited and the application denied. If an applicant fails to pass an examination for licensure under this Act within 3 years after filing the application, the application shall be denied. However, such applicant may thereafter make a new application for examination, accompanied by the required fee (Section 10 of the Act). New applications shall include proof of meeting the qualifications for examination in effect at the time of such new application except as provided for in subsection (f).

- f) Successful scores of previously passed Parts of the examination shall be accepted for the purpose of licensure provided the applicant has met all other requirements for licensure as outlined in the Act. For such purposes the most recent score on a Part(s) shall be the score of record. In no circumstances shall the Department accept a previous passing score on a Part(s) for an applicant whose score of record is a failing score.

(Source: Amended at 17 Ill. Reg. 11162, effective July 1, 1993)

Section 1480.190 Renewals (~~Renumbered~~)

- a) Every license issued to an individual under the Act shall expire on November 30 of each even numbered year. The holder of a license may renew such license during the month preceding the expiration date thereof by paying the required fee set forth in Section 17 of the Act.
- b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.
- c) Every license issued to a corporation or partnership under the Act shall expire on April 30 of each ~~even~~ odd numbered year. The holder of such license may renew that license for a 2-year period during the month preceding the expiration date thereof by paying the required fee and submitting a current listing of structural engineers licensed in Illinois that are employed by the firm.
- d) Practicing or offering to practice on a license which has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 20 of the Act.

(Source: Amended at 17 Ill. Reg. 11162, effective July 1, 1993)

- 1) The Heading of the Part: Joint Rules of the Comptroller and the Department of Central Management Services: Prompt Payment
- 2) Code Citation: 74 Ill. Adm. Code 900
- 3) Section Numbers: Emergency Action:
Not applicable
- 4) Statutory Authority: Implementing the State Prompt Payment Act to require prompt payments by the State of Illinois for goods or services, approved December 19, 1975, as changed by Public Act 86-1383 and Public Act 87-1232 (11. Rev. Stat. 1991, ch. 127, par. 132.400 through 132.407) [30 ILCS 540/0.01 through 540/77].
- 5) Effective Date of Emergency Rules: July 1, 1993
- 6) If the Emergency Rules are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable.

7) Date Filed in Agency's Principal Office:

8) Reason for Emergency:

Public Act 87-1232 prohibited the Comptroller and the Department of Central Management Services from making rules effective prior to July 1, 1993, but the changes in the law take effect July 1, 1993. With no rules on file, agencies may treat vendors who are due interest differently. This will cause confusion and possibly result in litigation. We find the lack of rules to govern an obligation of the State to pay money is a threat to the public interest which justifies emergency adoption.

9) A Complete Description of the Subjects and Issues Involved:

These rules define terms, describe the duties of State agencies in regard to processing late payment interest, require a notice on vouchers that vendors may be due interest if payment is late, establish procedures regarding submission and receipt of bills, tell the circumstances in which late payment interest is due, show how late payment interest is calculated, provide certain special requirements regarding group insurance bills and establish a dispute procedure.

10) Are there any Proposed Amendments pending on this Part? No.

11) Statement of Statewide Policy Objectives: The rules have no impact on local governments.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EMERGENCY RULES

- 12) Information and questions regarding the Emergency Rules shall be directed to:

Ben Bagby
720 Stratton Building
Springfield, IL 62706
(217)782-9669

The full text of the Emergency Rules are identical to the text of the Emergency Rules of the Office of the Comptroller which appear in this issue of the Register on page 11170.

OFFICE OF THE COMPTROLLER

NOTICE OF EMERGENCY RULES

- 1) The Heading of the Part: Joint Rules of the Comptroller and the Department of Central Management Services: Prompt Payment
- 2) Code Citation: 74 Ill. Adm. Code 330
- 3) Section Numbers:

<u>Emergency Action:</u>	
330.10	New
330.20	New
330.30	New
330.40	New
330.50	New
330.60	New
330.70	New
330.80	New
330.90	New
330.100	New
330.110	New
330.120	New
330.130	New
330.140	New
- 4) Statutory Authority: Implementing the State Prompt Payment Act to require prompt payments by the State of Illinois for goods or services, approved December 19, 1975, as changed by Public Act 86-1383 and Public Act 87-1232 (Ill. Rev. Stat. 1991, ch. 127, par. 132.400 through 132.407) [30 ILCS 540/0.01 through 540/7].
- 5) Effective Date of Emergency Rules: July 1, 1993
- 6) If the Emergency Rules are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable.
- 7) Date Filed in Agency's Principal Office:
- 8) Reason for Emergency:
Public Act 87-1232 prohibited the Comptroller and the Department of Central Management Services from making rules effective prior to July 1, 1993, but the changes in the law take effect July 1, 1993. With no rules on file, agencies may treat vendors who are due interest differently. This will cause confusion and possibly result in litigation. We find the lack of rules to govern an obligation of the State to pay money is a threat to the public interest which justifies emergency adoption.
- 9) A Complete Description of the Subjects and Issues Involved:
These rules define terms, describe the duties of State agencies in regard

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NOTICE OF EMERGENCY RULES

to processing late payment interest, require a notice on vouchers that vendors may be due interest if payment is late, establish procedures regarding submission and receipt of bills, tell the circumstances in which late payment interest is due, show how late payment interest is calculated, provide certain special requirements regarding group insurance bills and establish a dispute procedure.

- 10) Are there any Proposed Amendments pending on this Part? No.
- 11) Statement of Statewide Policy Objectives: The rules have no impact on local governments.
- 12) Information and questions regarding the Emergency Rules shall be directed to:

Kim Kirn
Office of the Comptroller, Second Floor
Springfield, IL 62706
(217)782-6000

The full text of the Emergency Rules begin on the next page:

OFFICE OF THE COMPTROLLER

NOTICE OF EMERGENCY RULES

TITLE 74: PUBLIC FINANCE

CHAPTER II: COMPTROLLER

PART 330

JOINT RULES OF THE COMPTROLLER AND THE DEPARTMENT OF CENTRAL MANAGEMENT SERVICES:

PROMPT PAYMENT

Section	Scope
330.10 EMERGENCY	
330.20 EMERGENCY	Definitions
330.30 EMERGENCY	Duties of State Agencies
330.40 EMERGENCY	Statement Indicating That Interest Penalty May Be Available
330.50 EMERGENCY	Other Interest Provisions
330.60 EMERGENCY	When a Payment is Late
330.70 EMERGENCY	Approval by the State
330.80 EMERGENCY	Submission and Receipt of Bills
330.90 EMERGENCY	When and How Vendors Must Request Interest
330.100 EMERGENCY	Calculation of Interest
330.110 EMERGENCY	No Interest on Interest
330.120 EMERGENCY	Exclusions
330.130 EMERGENCY	Special Rules and Procedures Regarding the Application of the Act to the State Employee's Group Insurance Program
330.140 EMERGENCY	Resolution of Disputes

AUTHORITY: Implementing the State Prompt Payment Act to require prompt payments by the State of Illinois for goods or services, approved December 19, 1975, as changed by Public Act 86-1383 and Public Act 87-1232 (Ill. Rev. Stat. 1991, ch. 127, par. 132.400 through 132.407) [30 ILCS 540/0.01 through 540/71].

SOURCE: Emergency rules adopted at 17 Ill. Reg. 11170, effective July 1, 1993 for a maximum of 150 days.

Section 330.10 Scope
EMERGENCY

OFFICE OF THE COMPTROLLER

NOTICE OF EMERGENCY RULES

- a) These rules are applicable to all State agencies as defined in the Illinois State Auditing Act (Ill. Rev. Stat. 1991, ch. 15, par. 301-1, et seq) [30 ILCS 5/1-1 et seq.] and shall be followed in determining whether and to what extent late payment interest is due.
- b) These rules apply to any bill for goods or services paid from funds appropriated by the General Assembly that is received on and after the effective date of these rules.
- c) Any bill for goods or services received prior to the effective date of these rules will be processed in accordance with the methodology used by the agency responsible for payment at the time of receipt of the bill.

Section 330.20 Definitions
EMERGENCY

Except as otherwise defined in Section 13, the following definitions shall be used in interpreting these rules:

"Act" shall be defined as: the State Prompt Payment Act (Ill. Rev. Stat. 1991, ch. 127, par. 132.400 et seq.) [30 ILCS 540/0.01 et seq.].

"Agency Head" shall be defined as: those persons given authority to approve payments by voucher for the various State officials and agencies as specified in the Act and the State Finance Act, Section 10 (Ill. Rev. Stat. 1991, ch. 127, Par. 146) [30 ILCS 105/10].

"Bill" shall be defined as: the Vendor's standard bill or invoice for goods or services.

"DCMS" shall be defined as: the Department of Central Management Services.

"Date of Approval of the Vendor's Bill" shall be defined as: the date which the Agency Head or designee signs the Voucher requesting the Comptroller's Office or other agent of the State to issue a warrant to pay the bill.

"Date of Payment" shall be defined as: the date of issuance of the warrant by the Comptroller's office, other State officials and agencies or other agent of the State.

"Goods and Services" and "Goods or Services" shall be defined as: items of merchandise, supplies, raw materials, finished goods and duty, duties or labor rendered by one or more persons to a State official or agency for monetary or other consideration.

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NOTICE OF EMERGENCY RULES

"Month" shall be defined as any 30 day period.

"Vendor" shall be defined as: seller of goods or services.

Section 330.30 Duties of State Agencies
EMERGENCY

- a) It is the duty and responsibility of each State agency to develop and implement internal procedures that will permit full compliance with the provisions of the Act, this Part of the Illinois Administrative Code and the Comptroller's Uniform Statewide Accounting System ("CUSAS").
- b) Interest penalty payments must be processed on a separate Invoice Voucher payable to the Vendor.
- c) Interest penalty payments must be charged to the same expenditure authority account that the related Goods or Services were charged. If the payment for Goods or Services was charged to an appropriation which has since been reappropriated, the interest penalty payment must be charged to the reappropriation.
- d) In the event the appropriation originally charged for the Goods or Services is exhausted and not reappropriated, the State agency shall, if authorized by law, transfer and obligate funds into the proper appropriation pursuant to Ill. Rev. Stat. 1991, ch. 127, par. 149.2 [30 ILCS 105/13.2] for payment of the interest penalty.
- e) In the event the appropriation originally charged with the Goods or Services is exhausted and the State agency has exhausted its transfer of funds authority pursuant to Ill. Rev. Stat. 1991, ch. 127, par. 149.2 [30 ILCS 105/13.2], the appropriation has lapsed or the agency has improperly refused to pay interest, Vendors may have recourse before the Court of Claims for payment of interest penalties.
- f) An interest penalty payment shall be deemed an outstanding liability of the fiscal year during which the Goods or Services giving rise to the interest penalty were contracted for.
- g) All State agencies must maintain written records reflecting the following date or dates on which:
 - 1) the Goods were received and accepted or the Services were rendered.
 - 2) the Bill was received by the State agency.

OFFICE OF THE COMPTROLLER

NOTICE OF EMERGENCY RULES

- 3) the appropriation from which the payment is to be made became law, if such date is later than the date or dates recorded for subparagraphs g(1) or g(2) above.
 - 4) approval for payment of a Bill was given by the Agency Head as indicated on the Invoice Voucher submitted to the Comptroller's Office.
 - 5) disapproval for payment of a Bill was given by the Agency Head.
- h) The above-mentioned dates need not be maintained on a separate record. The dates may be maintained by:
- 1) keeping the original Bill.
 - 2) date-stamping the relevant dates on the Bill.
 - 3) other reliable means as approved by each State agency.
- i) All State agencies must provide to the Comptroller's Office the applicable dates listed above, as well as the Date of Payment, on or attached to the Invoice Voucher submitted for payment of the interest penalty.
- j) Upon receipt of a Vendor's statement for the interest penalty, the State agency must respond to the Vendor's request within 60 days if the interest penalty is not appropriate under the Act, these rules, or the Comptroller's Uniform Statewide Accounting System manual along with the reason why the interest penalty will not be paid. If requests for interest should be presented to the Court of Claims, that requirement should be communicated to the Vendor.

Section 330.40 Statement Indicating That Interest Penalty May Be Available
EMERGENCY

- a) To comply with Act's mandate that all State invoices or vouchers indicate that payment of interest may be available for failure to comply with the Act, the remittance copy of each commercial Invoice Voucher for Goods or Services must contain the following statement or words of similar meaning:

"Payment of interest may be available if the State fails to comply with the State Prompt Payment Act, (111. Rev. Stat. 1991, ch. 127, par. 132.400) [30 ILCS 540/0.01]."
- b) This statement may be placed on any available portion of either side of the remittance copy of the Invoice Voucher.

OFFICE OF THE COMPTROLLER

NOTICE OF EMERGENCY RULES

- c) All State officials and agencies that create their own Invoice Voucher must include the statement indicating that an interest penalty may be available, as described above, on the remittance copy of each commercial Invoice Voucher.

Section 330.50. Other Interest Provisions
EMERGENCY

No agency may enter into a contract with a late payment interest provision more generous than that provided in these rules.

Section 330.60 When a Payment is Late
EMERGENCY

A payment is late if the Date of Payment is not within 60 days after the Date of Approval of the Vendor's Bill.

Section 330.70 Approval by the State
EMERGENCY

- a) An agency shall review each Vendor's Bill and shall either deny the Bill in whole or in part, ask for more information necessary to review the Bill, or approve the Bill in whole or in part, within 30 days after physical receipt of the Bill.

- b) If the Date of Approval of a Bill is after this 30 day period or the Bill is denied after the 30 day period and subsequently approved, late payment interest shall be due if the Date of Payment is not within 90 days (30 days for approval and 60 day for payment) of receipt of the Bill.

Section 330.80 Submission and Receipt of Bills
EMERGENCY

- a) A Bill submitted incomplete, lacking sufficient detail, lacking taxpayer identification number, or to an address or person other than one designated in written instructions from the State shall not be considered physically received until it is completed, additional detail provided, or reaches the proper address or person.
- b) A Bill submitted lacking the Vendor's federal taxpayer identification number shall not be considered physically received until the Vendor provides the taxpayer identification number or a completed Internal Revenue Service Form W-9 certifying that the Vendor's taxpayer identification number has been applied for but not received and that the Vendor is not subject to backup withholding due to underreporting.

OFFICE OF THE COMPTROLLER

NOTICE OF EMERGENCY RULES

- c) A Bill physically received prior to acceptance of Goods or Services by the State shall be considered received no earlier than the date of acceptance. Acceptance means the date on which the State, to the best of its ability at that time, determines contract requirements have been met. Acceptance for late payment calculation shall not be used by any Vendor to show acceptance of the Goods or Services for any other purpose.
- d) A Bill physically received after acceptance of Goods or Services shall be considered received no earlier than the date of physical receipt.
- e) A Vendor may submit Bills for future performance, such as to make lease or installment purchase payments, in advance of scheduled due dates, but such Bills may not be received until at least 90 days prior to the scheduled due date or they shall be considered received on the scheduled due date.
- f) When the parties do not contemplate submission of a physical Bill to the State, the date of final receipt of the Goods or Services shall be considered the date of the Bill.

Section 330.90 When and How Vendors Must Request Interest
EMERGENCY

- a) Interest amounting to \$50 or more need not be requested by a Vendor. Agencies are responsible for paying such interest and are to do so within a reasonable time.
- b) Interest amounting to \$25 but less than \$50 must be requested by the Vendor.

- 1) The Vendor must submit a written statement to the appropriate State agency specifically requesting the State agency to pay an interest penalty to the Vendor.

- 2) The statement must include a description of the original transaction, the Vendor's taxpayer identification number, the date of the Vendor's invoice, the invoice amount and the date the Bill was presented to the Agency.

- 3) The statement should, if possible, include the Vendor's invoice number, the voucher number, the appropriation account code, the obligation number (for contracts over \$5,000), the exact name of the Vendor or payee as the name appeared on the payment warrant, an estimate of the date upon which the interest penalty begins to accrue and any other information reasonably needed by the State agency to verify the interest penalty payment.

OFFICE OF THE COMPTROLLER

NOTICE OF EMERGENCY RULES

- 4) A request for the late payment interest penalty should be submitted after the Date of Payment, but within 90 days of the Date of Payment.
- 5) Agencies are responsible for paying such interest and are to do so within a reasonable time.
- c) Interest amounting to less than \$25 will not be paid by the State whether requested or not.

Section 330.100 Calculation of Interest
EMERGENCY

- a) Interest is calculated at the rate of 1% per month. This results in a daily interest factor of .00033 (.01/30).
- b) For each day payment is late, the amount late shall be multiplied by the daily interest factor to determine the late payment charge.
- c) The interest penalty shall be simple interest and not compound interest, meaning that the interest penalty is computed on the amount of the Bill only and shall not include previously accrued interest.
- d) Interest shall not accrue on the Date of Payment.

Section 330.110 No Interest on Interest
EMERGENCY

A request for payment of interest under this Act is not considered a bill and therefore, not considered subject to the provisions of the Act; interest is not paid on interest calculated for a bill approved for payment.

Section 330.120 Exclusions
EMERGENCY

- a) The following types of payments are excluded from the Act and consequently do not qualify for interest penalties:
 - 1) Inter- and intra-agency payments. This includes transfers and payments to revolving funds, reimbursement of petty cash funds and imprest accounts, inter-fund transfers and inter-fund payments in which an agency or department serves as the Vendor of Goods or Services.
 - 2) Payments to State employees for personal services (salary only and not including health insurance benefits).
 - 3) Pass-through grants and distributive payments
 - 4) Contract retainers associated with construction contracts.

OFFICE OF THE COMPTROLLER
NOTICE OF EMERGENCY RULES

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5) State Board of Education categorical grants.
6) Community College Board grants.
7) Illinois Student Assistance Commission grants.
8) Payments to local government entities including school districts.
9) Payments of interest penalties.
10) Payments made to contractual employees (These payments are made on a Contractual Service Voucher).

11) Medical assistance provided to public aid recipients and reimbursed from State funds under Articles V, VI and VII of the Illinois Public Aid Code.
12) Payments from accounts or funds not appropriated by the General Assembly.
13) Gratuitous payments made to induce a business to remain in or to locate in this State.
14) Any type of payment to a Vendor assigned or sold by that Vendor to a different payee including any assignments made by the Vendors to the Department of Public Aid.
15) Barter transactions.
16) Payments made by a State agency comprised of federal funds only and no State or local funds.

Section 330.130 Special Rules and Procedures Regarding the Application of the Act to the State Employee's Group Insurance Program
EMERGENCY

For claims for payment related to the State Employee's Group Insurance Program the following applies:

a) Late payment interest pertaining to health care payments may be made to and requested by a:

1) Member -- any person who receives benefits through the State Employees Group Insurance Act program and whose benefits are paid through the Health Insurance Reserve Fund.
2) Vendor -- any provider of health care to a Member.

(b) The Date of Approval shall be the date the Department of Central

Management Services approves the bill. The approval date given by an administrative services organization is not approval for purposes of determining whether a payment is late.

c) The Date of Payment of the claim to the Member or Vendor shall be the later of the date on the check or the date DCMS instructs a claims administrator to make the payment; ordinarily, this date is referred to as the date the payment has been released.

d) A request for interest must contain the following information to be processed:

1) An Explanation of Benefits Form from the State's Administrative Services Organization. A duplicate is available from the ASO if needed; or
2) Name of employee/member and claimant
Social Security number
Date of Service
Amount of claim
Claim control number

e) Interest shall be payable only to the designated payee indicated on the claim. Ordinarily, the payee is the Vendor, however,
1) if the payment of the claim has not been assigned to the Vendor by the Member, interest may be requested by and paid to the Member;

2) if the Vendor is designated as the payee on the claim, the Vendor is entitled to any interest penalty due by the Act and the Vendor shall not charge the Member interest on any unpaid balance of the claim;

3) if payment of the claim is to be paid directly to the Vendor, and the Member has paid any or all of the claim in advance of payment to the Vendor, the Vendor should not charge, nor shall the Member pay, an interest penalty, late charge, or any other fee on that claim.

Section 330.140 Resolution of Disputes
EMERGENCY

In the event a situation arises which is not covered by these rules or the proper course of action is unclear, the Comptroller and the Director of the Department of Central Management Services or their designees shall meet to make determinations and if necessary suggest modifications to the rules. In any such determination, the interested parties will be given an opportunity to make their views known as a part of the decision making process.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF EMERGENCY AMENDMENTS

1) The heading of the Part: Policy and Procedures Manual for Fire Protection Personnel.

2) Code Citation: 41 Ill. Adm. Code 140

<u>Section Numbers:</u>	<u>Emergency Action:</u>
140.55	Amendment
140.60	Amendment
140.70	Amendment
140.80	Amendment
140.90	Amendment
140.140	Amendment
140.160	Amendment
140.241	New Section

3) Statutory Authority: Implementing and authorized by Sections 8 and 11 of the Illinois Fire Protection Training Act (Ill. Rev. Stat. 1989, ch. 85, pars. 538 and 541) (50 ILCS 740/8 and 740/11), and "AN ACT relating to Fire Protection in certain areas" (Ill. Rev. Stat. 1989, ch. 127 1/2, par 301 et seq.) (70 ILCS 715/1 et seq.).

4) Effective Date of Amendments: June 29, 1993.

5) If the Emergency Amendment is to expire before the end of the 150 day period, please specify the date on which it is to expire. Not applicable.

6) Date filed in the Agency's principal office: June 28, 1993.

7) Reason for emergency. Changes in requirements for hazardous materials, mandated by Federal Regulations, numerous changes in Standards of the National Fire Protection Association and International Fire Service Training Institute have altered the number of hours of training for firefighters. Many municipalities utilize these newer standards for their training and the Office of the State Fire Marshal is, in a separate rule making, going to adopt the standards. Meanwhile, many municipalities may not train to these new requirements if the Office is unable to reimburse the training expense. Failure to train firefighters to the newer material may expose the firefighters and members of the general public to injury and death. The Office has not mandated the training in this rule making, but will reimburse for the additional hours of training to encourage Units of Local Government to increase the amount of training.

8) Complete Description of the Subjects and Issues Involved. Numerous changes to standards in firefighter training have resulted in additional hours needed to complete the needed training. Without reimbursement for the increased training expense, many local governments may not fully train their firefighters to the appropriate standards, and may choose only the current state minimum program (for which they get reimbursed). The Office will, next week, propose rules to implement these new standards. An earlier proposed rule making became controversial for reasons other than the changes in funding and new standards, and

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF EMERGENCY AMENDMENTS

was withdrawn (see 17 Ill. Reg. 9752) resulting in this emergency rule making to preserve the safety of the firefighters and the public.

Additionally, one new program is adopted in this emergency rule; this program fills a void formerly performed through the Illinois Department of Transportation's program. This is a needed program for firefighters and the general public that may become trapped in an automobile accident. Without the program and funding, this training might not be available and lives may be lost or injuries made more severe.

10) Are there any proposed amendments to this part pending? No.

11) Statement of Statewide Policy Objectives. To allow additional reimbursement to units of local government for training of fire fighters

12) Information and Questions regarding this emergency Amendment shall be directed to:

Glenna Senger,
Deputy State Fire Marshal
Division of Personnel Standards and Education
Office of the State Fire Marshal
1035 Stevenson Drive
Springfield, Illinois 62703-4259
(217) 785-1001

The full text of the Emergency Amendments begins on the next page:

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF EMERGENCY AMENDMENTS

TITLE 41: FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 140

POLICY AND PROCEDURES MANUAL
FOR FIRE PROTECTION PERSONNEL

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AUTHORITY: Implementing and authorized by Sections 8 and 11 of the Illinois Fire Protection Training Act (Ill. Rev. Stat. 1991, ch. 85, pars. 538 and 541), and "AN ACT Relating to fire prevention, amending certain Acts herein named" (Ill. Rev. Stat. 1991, ch. 127 1/2, par. 501).

SOURCE: Adopted at 3 Ill. Reg. 37, p. 168, effective September 15, 1979; codified at 5 Ill. Reg. 10681; emergency amendment at 6 Ill. Reg. 7551, effective June 16, 1982, for a maximum of 150 days; emergency amendment at 6 Ill. Reg. 8474, effective July 1, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 2336, effective February 16, 1983; amended at 7 Ill. Reg. 12994, effective September 23, 1983; amended at 10 Ill. Reg. 4231 effective February 10, 1986; amended at 11 Ill. Reg. 17108, effective October 8, 1987; amended at 14 Ill. Reg. 19185, effective November 26, 1990; emergency amendment at 11. Reg. 11181, effective June 29, 1993 for a maximum of 150 days.

NOTE: ALL CAPITALIZATION DENOTES STATUTORY LANGUAGE

Section 140.55 Airport Firefighter
EMERGENCY

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Professional qualifications for Airport Firefighter are identified in the NFPA 1003 (199287), hereby incorporated by reference. The Illinois program does not recognize rank as equivalent to the level of Airport Firefighter. The Office defines the Airport Firefighter as a certified individual who has the required airport fire protection and prevention experience.

a) Prerequisites.

- 1) Certification as a Firefighter II.
 - 2) Attainment of one year of experience in airport fire protection.
 - 3) Successful completion of the 80144 hour course, including the skill examination and passage of the State written examination.
- b) Funding Hours.

A maximum of 80144 hours is available for reimbursement funding. The Office will fund this level of training only one time. No funding is available for repeat courses.

- c) Instructor Requirements. The course is to be taught under auspices of a Certified Fire Service Instructor II who has successfully completed the course and is a Certified Airport Firefighter. The Interim Fire Service Instructor policy (See Section 140.110 Interim Instructor) is applicable to airports seeking to begin training for Airport Firefighter.

- d) Facility Certification and Delivery Systems. Educational institutions, fire departments, and fire service organizations desiring to offer the Certified Airport Firefighter program will be required to:

- 1) File Course Approval Forms. See Section 140.15.
- 2) Use a facility which possesses the minimum required resources. All delivery systems offering the program must have at least Provisional Facility Certification. See Section 140.11. In addition, the facility must possess:
 - A) A complete set of the IFSTA Training Manuals
 - B) A classroom
 - C) An airport firefighting vehicle.
- e) Curriculum Subject Headings.

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- f) Curriculum shall consist of a course or courses covering knowledge and skill objectives and depth of coverage as listed in NFPA 1003 Professional Qualifications for Airport Firefighters, 199287 edition. This standard is incorporated by reference and includes no later standards or editions.
- g) State Certification Practical Skills Examinations. Evaluations of the student's performance of the psychomotor objectives are to be done by Independent evaluators, each using identical checklists which have been approved by the Office prior to its administration. Psychomotor skills checklists must be related to IFSTA 206 (199287) requirements to qualify for approval. It is the responsibility of the school, fire department or airport to test the psychomotor behavioral objectives or all personnel as part of the certification testing process. See the Firefighter Study Guide for certification of Airport Firefighter for skill requirements.

- h) State Certification Written Examination. To be certified as an Airport Firefighter, candidates must take and pass the State examination. See Section 140.8.

(Source: Emergency Amendment at 17 III. Reg. 11181, effective June 29, 1993 for a maximum of 150 days.)

Section 140.60 Certified Firefighter III
EMERGENCY

The Office recognizes the Firefighter III level as equivalent to the Firefighter III level identified in the NFPA 1001 (1987). The term synonymous with Firefighter III is Journeyman Firefighter and identifies the expected level of supervision.

a) Prerequisites.

- 1) Certification as a Firefighter II.
- 2) Attainment of three years cumulative fire service experience in a fire department which may include any combination of full-time, paid-on-call, volunteer, and military service (if a person's primary responsibility was fire protection). Proof is required. Job descriptions and personnel records are examples of adequate proof.
- 3) Documented learning experiences in each of the subject areas outlined in 140.60 (e) and contained in the Instructor Reference Manual.

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- 4) Documented demonstration of competence in all manipulative skills contained in the Instructor Reference Manual.
- 5) Successful completion of all subject areas of the Firefighter III examination within five calendar years from the year of Firefighter II certification. For example, if an individual obtains Firefighter II certification at any time during 1980, the individual must pass all subject areas of the Firefighter III examination by December 31, 1985. An individual who has not passed all subject areas of the Firefighter III examination within the five year cycle will lose all passing scores, and will again be required to take and pass all subject areas within a future five year cycle.
- 6) If, during the five year cycle, subject areas are added due to program changes, an individual who has not passed all areas or who has not met all prerequisites must successfully do so, including the added areas, before becoming certified.
- b) Funding Hours. Maximum funding is 600 hours. The Office will fund this level of training only one time.
- c) Instructor Requirements
 - 1) This course must be taught under the auspices of an instructor who has been certified by the Office as having met minimum standards for Fire Service Instructor II certification.
 - 2) Fire Service Instructor I persons who have successfully completed portions of the Firefighter III examination may be authorized to teach and complete the required records in each of the subjects of the Firefighter III course which the Fire Service Instructor I has successfully completed.
- d) Facility Certification and Delivery System. Educational institutions, fire departments and fire service organizations must:
 - 1) Have access to an Unlimited Training Facility. See Section 140.12.
 - 2) File necessary Course Approval Forms. See Section 140.15.
- e) Curriculum shall consist of a course or courses covering knowledge and skill objectives and depth of coverage as listed in NFPA 1001, Firefighter Professional Qualifications, 1987 edition, Chapter 5. This standard is incorporated by reference and includes no later standards or editions.

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- f) State Certification Practical Skill Examination. See Section 140.40 (g).
- g) State Certification Written Examination. To be certified as a Firefighter III, candidates must take and pass the State examination. A Request for Examination must be signed by a Certified Fire Service Instructor II. See Section 140.8. Individuals possessing Emergency Medical Technician (EMT) or Paramedic certification are not required to take the Emergency Medical Care section of the Certified Firefighter III examination. Proof of current EMT or Paramedic certification is required.
- h) Refresher Training.
 - 1) The Certified Firefighter III is considered by the Office to be the senior technical level in the fire suppression career ladder and, therefore, is not required to progress to another level in order to maintain certification. In order to insure that Firefighter III personnel maintain their proficiency, they are encouraged to keep abreast of the state of the art by participating in refresher training. For the purpose of funding, only 10060 hours of reimbursable time per year will be funded by the Office for refresher training.
 - 2) The training may consist of any or all of the subjects listed in NFPA 1001 and Firefighter III certification. The failure to participate in the annual 10060 hours of refresher training does not revoke the individual's certification, since such certification has historically been seen as a personal achievement, and maintenance of the certificate a personal commitment.
 - 3) Individuals participating in such refresher training will need to have clearly identified training records. (See Section 140.12(e))

(Source: Emergency Amendment at 17 Ill. Reg. 11181, effective June 29, 1993 for a maximum of 150 days.)

Section 140.70 Fire Officer I
EMERGENCY

The Office recognizes three levels of Fire Officer, Fire Officer I, II, and III. These three levels meet and exceed the six levels of Fire Officer identified in NFPA 1021 (1987), hereby incorporated by reference. The Office does not recognize rank as equivalent to the various levels of Fire Officer. The Office defines the Fire Officer I as an individual having the responsibilities of Company Officer.

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- a) Prerequisites. Fire Officer I certification is granted to those individuals who have achieved the following:

- 1) Certification as Firefighter III.
- 2) Attainment of three years minimum fire service experience in a fire department.
- 3) Successful completion of the five-identified-three-semester credit---(40---student contact---hour---minimum)---courses or equivalent. A course taken for certification credit of 40 student contact hours (minimum) can only be used for one area of career hierarchy. Individuals must have courses meeting the objectives in NFPA 1021, Fire Officer Professional Qualifications, 1987 edition, Chapter 2 and 3, hereby incorporated by reference, including no later amendments or editions. Course requirements are broken down in five modules with the following topic headings:

- A) Fire Service Instructor I (certification required)
- B) Fire Prevention Principles I
- C) Strategy and Tactics I
- D) Fire Service Management I
- E) Fire Service Management II
- 4) Experience Requirements

- A) The candidates for Fire Officer I certification must have served a minimum of one year as a Fire Officer I or Fire Officer I trainee. The Office defines a Fire Officer I trainee as a person possessing Firefighter III certification assigned to supervise one or more companies (a company is a crew of fire protection personnel). The Training Officer and Fire Chief must document the experience as a Fire Officer I or Fire Officer I trainee.

- B) Until such time as the experience requirement is satisfied, the Fire Officer I candidate will receive a letter of verification attesting to his "Provisional Qualification" as a Fire Officer I. Provisional Qualification can only be given after completion of all required courses. Provisionally qualified status allows the individual to participate in Fire Officer II courses

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- and training. Provisionally qualified status does not certify the individual as a Fire Officer I.

- b) Funding Hours. A maximum of ~~324270~~ hours is available for reimbursement ~~funding-with-no-more-than-54-hours-being-allowed-for each-of-the-5-courses-required-in-140.70(a)(3).~~ Work experience does not qualify for funding. The Office will fund this level of education only one time. A candidate must be certified as a Firefighter III prior to the beginning of Fire Officer I classes to qualify for reimbursement funding.

- c) Equivalent courses. Courses not having prior approval but which correlate with the content areas of required courses and conclude with an evaluation of the individual's retention will be approved for certification purpose only. Fire Officer Applications for certification that request course equivalency evaluation must be accompanied by complete course content or syllabus for the course. College catalog descriptions of a paragraph or less are not sufficient documentation for review.

- 1) Equivalent courses must meet the performance objectives required in NFPA 1021, Fire Officer Professional Qualifications, 199289 edition, chapters 2 and 3.

- 2) It is the responsibility of the applicant to provide documentation for the Office to conduct an equivalency evaluation.

- 3) Documentation and proof necessary to establish course equivalency shall include but not limited to:

- A) Course titles or transcripts
- B) Syllabi and course outlines
- C) Test scores or grades
- D) College and Institute catalog course descriptions
- E) Other supporting material

- d) Instructor Requirements. See Section 140.200(d) for Instructor approval requirements.

- e) Facility Certification and Delivery Systems. Educational Institutions and fire service organizations desiring to offer the Fire Officer program will be required to receive facility certification. Such certification requires:

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- 1) See Section 140.15 for course approval requirements
- 2) See Section 140.16 for end-of-course examination requirements.
- 3) All courses will be delivered under the auspices of approved institutions which are identified as follows:
 - A) All Fire Officer I and II courses may be delivered by any accredited college or university in Illinois.
 - B) All Fire Officer III courses may be delivered by colleges or universities accredited in Illinois to offer baccalaureate degrees.
 - C) Fire Service organizations may receive approval to deliver specialized courses. Such approval will be granted based on compliance with all applicable rules in this Part, including Sections 140.11, 140.12, 140.15, 140.16, and 140.25. These organizations are identified as:
 - i) The Illinois Fire Chief's Association (IFCA)
 - ii) The Illinois Fire Inspector's Association (IFIA)
 - iii) The Illinois Society of Fire Service Instructors (ISFSI)
 - iv) The Illinois Firefighter's Association (IFA)
 - v) The Associated Firefighters of Illinois (AFFI)
 - vi) The Illinois Association of Fire Protection Districts (IAFPD)
 - vii) The Illinois Professional Firefighters Association (IPFA)
 - D) All organizations and institutions desiring to offer programs and/or courses will be required to meet all rules and regulations established by the Office regarding curricula, student control, examinations, financial records maintenance and instructor's qualifications, including Sections 140.11, 140.12, 140.15, 140.16 and 140.25.
 - f) Curriculum shall consist of courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1021, Fire Officer Professional Qualification, 1988 edition, Chapters 2 and 3. This standard is incorporated by reference and includes no later editions or amendments.

(Source: Emergency Amendment at 17 Ill. Reg. 11181, effective June 29, 1993 for a maximum of 150 days.)

Section 140.80 Fire Officer II EMERGENCY

The Office recognizes three levels of Fire Officer, Fire Officer I, II, and III. These three levels meet and exceed the six levels of Fire Officer identified in NFPA 1021 (1987), hereby incorporated by reference. The Office defines Fire Officer II as a person having the responsibilities above Company Officer, but less than the responsibilities of the Fire Administrator, Fire Chief, head of the department, etc. (See Section 140.70).

a) Prerequisites. The candidate seeking Fire Officer II certification must have achieved the following qualifications:

- 1) Certification as a Fire Officer I.
- 2) Five years minimum fire service experience in a fire department.
- 3) Successful completion of the ~~completed~~ ~~five~~ ~~3~~ ~~semester~~ ~~credit~~ ~~4~~ courses, or equivalent (40 student-contact hours minimum). A course taken for certification credit of 40 student contact hours (minimum) can only be used for one area in the career hierarchy. Individual must have courses meeting the objectives in NFPA 1021, Fire Officer Professional Qualifications, 1987 edition, Chapter 4 and 5, hereby incorporated by reference and includes no later editions or amendments. Course requirements are broken down in five modules with the following topic headings:

- A) Fire Service Instructor II (certification required)
- B) Fire Prevention Principles II
- C) Strategy and Tactics II
- D) Fire Service Management III
- E) Fire Service Management IV
- 4) Experience Requirements
 - A) The candidates for Fire Officer II certification must have served a minimum of one year as a Fire Officer II or a Fire Officer II trainee. The Office defines a Fire Officer II trainee as a person possessing Fire Officer I certification assigned to Fire Officer II duties. The

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Training Officer and Fire Chief must document the experience as a Fire Officer II or Fire Officer III trainee.

- B) Until such time as the experience requirement is met, the Fire Officer II candidate will receive a letter of verification attesting to his "provisional qualification" as a Fire Officer II. Provisionally qualified status allows the individual to participate in Fire Officer III courses. Provisionally qualified status does not certify the individual as a Fire Officer II. Provisional qualification can only be given after completion of all required courses.

- C) An individual possessing a letter of provisional qualification as a Fire Officer I may take Fire Officer II courses and receive a letter of provisional qualification as a Fire Officer II.

- b) Funding Hours. A maximum of 324270 hours is available for reimbursement funding. The Office will fund this level of education only one time. No funding is available for repeat courses with more than 54 hours being allowed for each of the 5 courses required in 140.80(a)(3). Work experience does not qualify for funding. Candidates must be certified as a Fire Officer I or a provisionally qualified Fire Officer I prior to beginning Fire Officer II course to qualify for reimbursement funding.

- c) Equivalent courses. See Section 140.70 (c).

- d) Instructor Requirements. See Section 140.70 (d).

- e) Facility Certification and Delivery Systems. See Section 140.70 (e).

- f) Curriculum shall consist of courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1021, Fire Officer Professional Qualifications, 1987 edition, Chapters 4 and 5. This standard is incorporated by reference and includes no later standard or edition.

(Source: Emergency Amendment at 17 Ill. Reg. 11181, effective June 29, 1993 for a maximum of 150 days.)

Section 140.90 Fire Officer III EMERGENCY

The Office recognizes three levels of Fire Officer, Fire Officer I, II, and III. These three levels meet and exceed the six levels of Fire Officer identified in NFPA 1021 (1987), hereby incorporated by reference. The Office

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identifies the Fire Officer III as those persons having the responsibilities of the head or administrator of a department or allied field agency. The individual directs the activities and is in command of a fire department or allied field agency. The term synonymous with Fire Officer III is Fire Department Administrator. (See Section 140.70).

- a) Prerequisites. Fire Officer III certification is granted to those persons who have met the following qualifications:

- 1) Certified as a Fire Officer II.
- 2) Attained six years minimum fire service experience in a fire department.
- 3) Successful completion of the six--identified three-semester credit--courses (40 student-contact hour minimum) or equivalent. Individuals must have the following required courses or equivalent courses.

A) Group Structures and Meetings in the fire service (or provide proof of equivalent course).

B) Public Communications (or provide proof of equivalent course).

C) Managerial Development (or provide proof of equivalent course).

D) Personal and Personnel Management (or provide proof of equivalent course).

E) Approaches to Finance and Data Based Systems (or provide proof of equivalent course).

F) Disaster Planning and Political Consideration (or provide proof of equivalent course. Proof will consist of a course syllabus or course description).

- 4) Experience Requirements.

A) The candidate for Fire Officer III certification must have served two years as a Fire Officer III or a Fire Officer III III trainee. The Office defines a Fire Officer III trainee as a person possessing a Fire Officer II certification and who is assigned duties as head of a department.

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- B) Documentation of work experience shall consist of job description, organization chart, letter from supervisor of experience relating to the courses required.
- C) Until such time as the experience requirement is met, the Fire Officer III candidate will receive a letter of verification attesting to his "provisional qualification" as a Fire Officer III. Provisionally qualified status does not certify the individual as a Fire Officer III. Provisional qualification can only be given after completion of all formal courses.
- D) A person possessing a letter of provisional qualification as a Fire Officer II may take Fire Officer III courses and receive a letter of qualification as a Fire Officer III.
- b) Funding hours. A maximum of ~~400324~~ ⁴⁰⁰³²⁴ hours is available for reimbursement ~~with no more than 54 hours being allowed for each of the 6 courses required in 140.90(a)(3)~~. Work experience does not qualify for funding. The Office will fund this level of education only one time. No funding is available for repeat courses. Candidates must be certified as a Fire Officer II or a provisionally qualified Fire Officer II to qualify for reimbursement funding.
- c) Equivalent courses. See Section 140.70(c).
- d) Instructor Requirements. See Section 140.70(d).
- e) Facility Certification and Delivery Systems. See Section 140.70(e).
- f) Curriculum shall consist of courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1021, Chapters 5 and 6. This standard is incorporated by reference and includes no later editions or amendments.

(Source: Emergency Amendment at 17 Ill. Reg. 11181, effective June 29, 1993 for a maximum of 150 days.)

Section 140.140 Fire Service Instructor II EMERGENCY

Professional qualifications for Fire Service Instructor II are identified in the NFPA 1041, (1987), Chapter 4, hereby incorporated by reference. The Illinois program does not recognize rank as equivalent to the various levels of Fire Service Instructor. The Office defines the Fire Service Instructor II as a certified individual serving as an instructor in a fire department or

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allied field or agency with curricula, course and lesson plan development responsibilities. Instructor II's are authorized to teach all subjects of the Firefighter I, II, and III courses and to validate training records for these levels of training.

- a) Prerequisites. Fire Service Instructor II certification is granted to those individuals who have:
- 1) Certification as a Firefighter III.
 - 2) Certification as a Fire Service Instructor I.
 - 3) Attained five years of documented fire service experience in a fire department.
 - 4) Successfully completed a course with a minimum of 40 hours in methods and techniques of teaching equivalent to NFPA 1041 (1987), Chapter 4, hereby incorporated by reference, including no later editions or amendments. A State Teacher's Certificate on Board, State of Illinois Teacher's Certificate will be accepted only for certification for Fire Service Instructor I and II, if all other certification requirements are met. Copy of Teacher's Certificate must be submitted with application for certification.
- b) Funding hours. A maximum of ~~5448~~ ⁵⁴⁴⁸ hours is available for reimbursement funding. The Office will fund this level of education only one time. No funding is available for repeat courses. Candidates must be certified as a Fire Service Instructor I prior to starting this course to qualify for reimbursement funding.
- c) Instructor Requirements. See Section 140.130(c).
- d) Facility Certification and Delivery Systems. See Section 140.130(d).
- e) Curriculum Subject Headings. The general course content is identified in NFPA 1041, Chapter 4. In addition to meeting the qualifications of Instructor I, the objectives of the course are designed to prepare the candidate in the ability to demonstrate knowledge and skills in preparing Instructional Materials, Techniques of Testing and Evaluations and writing Behavioral Objectives or Performance Objectives.

(Source: Emergency Amendment at 17 Ill. Reg. 11181, effective June 29, 1993 for a maximum of 150 days.)

Section 140.160 Fire Service Instructor IV EMERGENCY

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Professional qualifications for Fire Service Instructor IV are in the NFPA 1041 (1987), Chapter 6, hereby incorporated by reference and including no later editions or amendments. The Office defines the Instructor IV as a certified person serving as an instructor in a fire department or allied field agency primarily assigned administrative and/or management responsibilities for fire service training. Division Administrator is the term synonymous with Fire Instructor IV.

- a) Prerequisites. Instructor IV certification will be granted to those individuals who have met the following qualifications:

- 1) Certification as a Fire Service Instructor III.
- 2) Have served a minimum of five years in the capacity of a fire service instructor or training officer.

- 3) Successful completion of the five--three-semester courses (40 student-contact hours minimum) or equivalent. Individuals must have the following required courses or equivalent courses.

- A) Management-I-(or-provide-proof-of-equivalent-course)✓
- B) Management-II-(or-provide-proof-of-equivalent-course)✓
- C) Management-III-(or-provide-proof-of-equivalent-course)✓
- D) Management-IV-(or-provide-proof-of-equivalent-course)✓
- E) A-course-in-educational-administration-or-Approaches-to-Finance-and-Data-Based-Systems, Fire-Officer-III, Module-V✓

- b) Funding hours. A maximum of 54270 hours is available for reimbursement funding. The Office will fund this level of education only one time. No funding is available for repeat courses. Candidates must be certified as a Fire Service Instructor III prior to starting this course to qualify for reimbursement funding, with no more than 54 hours being allowed for each-of-the 5-required courses in 140.160(a)(3).

- c) Equivalent courses. See Section 140.70(c).

- d) Instructor Requirements. See Section 140.70(d).

- e) Facility Certification and Delivery System. See Section 140.70(e).

- f) Curriculum shall consist of course or courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1041.

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(Source: Emergency Amendment at 17 Ill. Reg. 11181, effective June 29, 1993 for a maximum of 150 days.)

Section 140.241 Rescue Specialist-Roadway Extrication EMERGENCY

- a) Extrication Specialists, for the purpose of this level of certification, are firefighters trained to the level specified in the Division of Personnel Standards and Education Instructor Reference Manual (1992) hereby incorporated by reference.

- b) Persons who respond to incidents that require the specialty training for rescue specialist will be trained in the basic skills to perform this operation. This course is designed as the introductory step in the acquisition of all knowledge and skills required in the various specialties of extrication. Rescue Specialist-Roadway Extrication certification is required before proceeding to other specialties of extrication.

- c) Prerequisites - Rescue Specialist-Roadway Extrication certification is granted to those persons who have completed a minimum 40 student contact hour course and met the following qualification:

- 1) Certification as a Firefighter II

- 2) Successful completion of the course including passage of local testing, and including State written and practical examinations.

- 3) Prerequisite for taking the written exam is Firefighter II certification.

- 4) See Section 140.50 a).

- d) Funding. A maximum of 56 hours is available for reimbursement funding. The Office will fund this level of training only one time.

- e) Instructor Requirements

Certified Fire Service Instructor II and Certified Rescue Specialist-Roadway Extrication. Successful completion of required courses for Rescue Specialist-Roadway Extrication is prerequisite.

- f) Facility certification and delivery system.

Educational institutions and fire departments desiring to offer the Rescue Specialist-Roadway Extrication program will be required to:

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1) File Course Approval forms (See Section 140.15); and

2) Use a facility which has a classroom and the equipment needed to complete the Student Performance Objectives. The equipment is listed in the Office Instructor Reference Manual for Rescue Specialist-Roadway Extrication.

g) State Certification Written Examination

To be certified as a Rescue Specialist-Roadway Extrication, candidates must supply proof of passage (class completion roster or transcript) of locally administered written and practical exams and must pass the State written examination. (See Section 140.8)

h) State Certification Practical Skill Examination

1) The state practical skill examination consists of a series of evolutions contained in a document published by the Division of Personnel Standards and Education, entitled Practical Skill Examination for Rescue Specialist-Roadway Extrication. The Certified Instructor should contact the Office for this practical examination.

2) After the practical examination is completed and scored by the Certified Instructor, a copy of the practical examination key must be sent to the Office for inclusion in the student's file. Certificates will not be released by the Office until practical scores are received.

i) Equivalent Courses

1) See Section 140.70(c) for requirements.

2) An equivalent course must meet the performance objectives listed in Office Instructor Reference Manual.

3) When course or courses are evaluated as equivalent, the individual will be allowed to take the State written and practical exam one time.

Failure of either the written or practical exams will invalidate the equivalency evaluation and require the individual to successfully complete the Extrication Specialist program prior to taking the State written and practical exam a second time.

4) Equivalent course are not eligible for reimbursement.

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i) Prior Courses.

An individual with an Emergency Rescue Technician Certificate Issued by the Illinois Department of Transportation shall be allowed to take the State Written and Practical Examination one time without taking the course, if the individual:

- 1) Meets the requirement of fire protection personnel (See Section 140.50 a);
- 2) Is certified at the Firefighter II level, or above;
- 3) Completes a refresher course on the subject areas that were not covered in the earlier course;
- 4) The individual must take the entire course if either of the exam is not passed on the first attempt; and
- 5) No reimbursement funding is available for the refresher course or examination.

(Source: Emergency rule added at 17 Ill. Reg. 11181 effective June 29, 1993, for a maximum of 150 days)

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- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Emergency Action:
140.492 Amendment
- 4) Statutory Authority: Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13) [305 ILCS 5/3, 4, 5, 6, 7, and 12-13]
- 5) Effective Date of Amendments: July 1, 1993
- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed in Agency's Principal Office: July 1, 1993
- 8) Reason for Emergency:

These emergency amendments are necessary to implement the agreed order in Capital Ambulance et al. v. Wright concerning rates for ambulance services. Section 5-45 of the Illinois Administrative Procedure Act provides that "court orders adopting settlements negotiated by an agency may be adopted" by emergency rulemaking (Ill. Rev. Stat. 1991, ch. 127, par. 1005-45) [5 ILCS 100/5-45].

9) Complete Description of the Subjects and Issues Involved:

These amendments to the Department of Public Aid's rules concerning medical payment are intended to implement the agreed order in Capital Ambulance et al. v. Wright. The amendments make a change in the methodology for the determination of payments for ambulance services. The amendments specify that a separate payment for oxygen will be added to the rate when oxygen is provided during an advanced life support trip. The change will apply to services provided beginning July 1, 1993.

Section 140.492 was amended effective February 15, 1993, to clarify the Department policy that the advanced life support rate is all-inclusive and that separate oxygen reimbursement is not provided in connection with advanced life support services. The Joint Committee on Administrative Rules issued an objection concerning those amendments. The policy contained in those previous amendments is being revised by these amendments.

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- 10) Are there any Proposed Amendments pending to this Part? Yes

Sections	Proposed Action	Illinois Register Citation
140.24	Amendment	May 28, 1993 (17 Ill. Reg. 7183)
- 11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.
- 12) Information and questions regarding these Emergency Amendments shall be directed to:

Name: Joanne Jones

Address: Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Avenue East, Third Floor
 Springfield, Illinois 62762
 Telephone: (217) 524-3215

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140

MEDICAL PAYMENT

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140.2 Medical Assistance Programs
140.3 Covered Services Under The Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Children Under Age Eight Who Do Not Qualify As Mandatory Categorically Needy
140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5 Covered Medical Services Under GA
140.6 Medical Services Not Covered
140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
140.8 Medical Assistance For Qualified Severely Impaired Individuals
140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.10 Medical Assistance Provided to Incarcerated Persons

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140.12 Participation Requirements for Medical Providers
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140.14 Denial of Application to Participate in the Medical Assistance Program
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140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
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140.72 Drug Manual (Recodified)
140.73 Drug Manual Updates (Recodified)

SUBPART C: PROVIDER PARTICIPATION FEES

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140.80 Hospital Provider Fund
140.82 Developmentally Disabled Care Provider Fund
140.84 Long Term Care Provider Fund
140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95 Hospital Services Trust Fund
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140.97 Special Requirements (Recodified)
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140.116 Payment for Inpatient Services for GA (Recodified)
140.117 Hospital Outpatient and Clinic Services (Recodified)
140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)

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AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 5503-1 et seq.) [20 ILCS 2215/3-1 et seq.] and Implementing and Authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13) [305 ILCS 5/3-1-et-seq., 5/4-1-et-seq., 5/5-1-et-seq., 5/6-1-et-seq., 5/7-1-et-seq., and 5/12-13]

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; preemptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; preemptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629,

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effective October 19, 1984; preemptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; preemptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 3323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective

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December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.914 thru 140.916 recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.207 thru 147.211; Table A at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 16921, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7025, effective April 24, 1989; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg.

NOTICE OF EMERGENCY AMENDMENTS

10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 1120, effective July 1, 1993, for a maximum of 150 days.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.492 Payment for Medical Transportation
EMERGENCY

Payment for medical transportation services shall be made in accordance with the methodologies outlined in this Section. In no case shall rates exceed the Medicare charge level, where applicable, or the rates charged to the general public.

- a) Medigars shall be paid a base rate, mileage rate and a fixed amount for nonroutine services (e.g., an additional attendant). Loaded miles after ten (10) miles (twenty [20] miles round trip) shall be reimbursed.
- b) Service cars shall be paid a base rate and a mileage rate. Loaded miles after ten (10) miles (twenty [20] miles round trip) shall be reimbursed.
- c) Private autos shall be paid for loaded miles at a mileage rate.
- d) Payment for transportation services provided by common carrier, (e.g., air lines, buses, trains) shall be at the usual community rate. Taxicabs shall be reimbursed at the community rate, if in an area regulated by a municipality or township. Taxicabs in non-regulated areas shall be reimbursed at a rate as determined by the Department. This rate will be effective July 1, 1992 and will be reviewed on an annual basis each July.
- e) The Department shall pay for medically necessary ambulance services provided in accordance with Section 140.490 at a base, mileage rate (loaded miles) and a rate for oxygen, as appropriate. Payment shall also be made for Advanced Life Support (ALS) at an all inclusive rate which includes the base rate, ~~oxygen~~, supplies, and all other services, excluding mileage. Loaded miles for ALS trips shall be

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section 140.492(e) (continued)

reimbursed at the per mile rate. For ALS services provided on or after July 1, 1993, separate reimbursement shall be made for oxygen when used and appropriately billed. Rates shall be reviewed beginning November 1, 1986, and each November thereafter, according to the methodology set forth in subsections (e)(1) through (4) of this Section. Revised rates pursuant to this methodology shall be effective with services provided on or after July 1 of the succeeding year.

- 1) Payment shall be made at a basic rate which is provider specific. The basic rate shall be the lesser of the provider's usual and customary charge to the general public (as reflected on the provider's claim form), or 80% of the 50th percentile of the Medicare prevailing charge for Basic Life Support for the designated Medicare Locality, except that any basic rate previously approved by the Department which exceeds these parameters shall remain in force. The rate of annual increase shall not exceed 5%.
- 2) Payment for loaded miles, i.e., those miles for which the provider is actually transporting an individual, shall be at a rate per mile. The rate per mile shall be 50% of the 50th percentile of the Medicare prevailing mileage charge for Medicare Locality 16. The annual rate of increase shall not exceed 5%.
- 3) Payment for oxygen shall be made at a flat rate statewide. The rate shall be 50% of the 50th percentile of the Medicare prevailing charge for Medicare Locality 16. The annual rate of increase shall not exceed 5%.
- 4) Payment for Advanced Life Support services shall be at the lesser of the provider's usual charge, or a maximum allowable rate statewide. The maximum rate shall be 80% of the difference between the Medicare 50th percentile prevailing charge for Basic Life Support services and Advanced Life Support services for Medicare Locality 16. The annual rate of increase shall not exceed 5%.
- f) Payment for medical transportation services provided by individuals, including those currently receiving public assistance, legally responsible relatives, or household members will be made at a loaded mileage rate.

(Source: Emergency amendment at 17 Ill. Reg. 1120, effective July 1, 1993, for a maximum of 150 days)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Special Eligibility Groups
- 2) Code Citation: 89 Ill. Adm. Code 118
- 3) Section Numbers: Emergency Action:
 118.150 New Section
- 4) Statutory Authority: Sections 5-18 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 5-18 and 12-13) [305 ILCS 5/5-18 and 12-13]
- 5) Effective Date of Amendments: July 1, 1993
- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed in Agency's Principal Office: July 1, 1993
- 8) Reason for Emergency:

The lack of insurance coverage for persons with AIDS or disability due to HIV is a significant public health and welfare concern. This emergency rulemaking addresses this concern by implementing a pilot program for continuation of insurance coverage for certain persons with AIDS or disability due to HIV. The program must be implemented effective July 1, 1993, in order to meet federal funding requirements.
- 9) Complete Description of the Subjects and Issues Involved:

This emergency rulemaking establishes a pilot program for the coverage of insurance premiums for certain persons with AIDS or disability due to HIV. A maximum of about 100 persons who have been diagnosed with AIDS or disability due to HIV and who are eligible for coverage under the federal Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985 will be covered by this pilot program.

Under the provisions of COBRA, all group health plans with 20 or more employees are required to allow employees to continue their coverage for 18 months after termination of employment. Employees who elect to continue coverage are required to pay up to 102 percent of the premium for the coverage. While these requirements provide for continuation of coverage, many persons with AIDS or disability due to HIV may be unable to afford the premiums for the continued coverage.

The program implemented in this rulemaking will provide a mechanism for the Department of Public Aid to pay the premiums for COBRA coverage for a

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

maximum of about 100 persons with AIDS or disability due to HIV. Other eligibility criteria are specified in the rules. The rules also describe the application process. The program will begin effective July 1, 1993.

- 10) Are there any Proposed Amendments pending to this Part? No
- 11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.
- 12) Information and questions regarding these Emergency Amendments shall be directed to:

Name: Joanne Jones
 Address: Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Avenue East, Third Floor
 Springfield, Illinois 62762
 Telephone: (217) 524-3215

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 118

SPECIAL ELIGIBILITY GROUPS

SUBPART A: DISABLED ADULT CHILDREN

Section

118.100 Disabled Adult Children

SUBPART B: MEDICAL-PAYMENTS-FOR-DRUGS-FOR PERSONS WITH
ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS) OR AIDS RELATED COMPLEXES (ARC)

Section

118.150 Continuation of Health Insurance Coverage

EMERGENCY

118.200 Drugs to Prolong the Lives of Persons With Acquired
Immunodeficiency Syndrome (AIDS) or AIDS Related Complexes (ARC)

SUBPART C: WIDOWS AND WIDOWERS

Section

118.300 Widows and Widowers

SUBPART D: MISCELLANEOUS PROGRAM PROVISIONS

Section

118.400 Incorporation By Reference

AUTHORITY: Implementing Articles III, IV, and VI and Section 5-18 and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 6-1 et seq., 5-18 and 12-13) [305 ILCS 5/3, 4, 6, 5-18 and 12-13].

SOURCE: Emergency rule adopted at 12 Ill. Reg. 3037, effective January 15, 1988, for a maximum of 150 days; adopted at 12 Ill. Reg. 6301, effective March 18, 1988; amended at 12 Ill. Reg. 8068, effective April 26, 1988; amended at 13 Ill. Reg. 3950, effective March 10, 1989; amended at 14 Ill. Reg. 10442, effective June 20, 1990; emergency amendment at 15 Ill. Reg. 8708, effective June 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 11607, effective July 15, 1992; emergency amendment at 17 Ill. Reg. 11217, effective July 1, 1993, for a maximum of 150 days.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

SUBPART B: MEDICAL-PAYMENTS-FOR-DRUGS-FOR PERSONS WITH
ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS) OR AIDS RELATED COMPLEXES (ARC)

Section 118.150 Continuation of Health Insurance Coverage
EMERGENCY

a) The continuation of health insurance coverage program is a pilot program to assist persons with AIDS or disability as a result of having the human immunodeficiency virus (HIV) who are eligible for insurance coverage under the federal Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985. The program will cover a maximum of about 100 persons, subject to available funds. Under the program, the Department will pay a maximum monthly health insurance premium of \$300 for eligible persons for individual or family (spouse and dependent children) health insurance coverage.

b) Eligibility. Persons eligible for coverage under this program must meet each of the following requirements:

- 1) Be diagnosed with AIDS or be disabled due to HIV;
- 2) Be a resident of Illinois;
- 3) Be unable to continue employment and be eligible for continuation of insurance coverage under the provisions of COBRA;
- 4) Be covered by an individual or family health insurance plan which includes coverage of prescribed drugs;
- 5) Have assets of not more than \$10,000; and
- 6) Have income of not more than 200% of the federal poverty level.

c) Application. Persons who wish to be covered shall apply to the Illinois Department of Public Health on forms provided by that agency. The application shall include the following information:

- 1) Information necessary to identify the person, the former employer, the insurer, and the type of health insurance coverage provided;
- 2) Income and asset information necessary to determine the income and asset eligibility of the person;
- 3) Information necessary to verify Illinois residency.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Section 118.150(c) (continued)

- 4) Verification of a diagnosis of AIDS from a licensed physician or a determination of disability from the Social Security Administration with verification of testing positive for HIV; and
- 5) Any other information which may be required to determine eligibility or the length of coverage, such as a determination of disability from the Social Security Administration.
- d) The Department will make the insurance premium payments for eligible individuals directly to the health insurer or former employer. Coverage will continue for the period for which the person is eligible for COBRA coverage, subject to available funds.

(Source: Emergency rule added at 17 Ill. Reg. 11217, effective July 1, 1993, for a maximum of 150 days)

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENTS

NOTICE PURSUANT TO

ILL. REV. STAT. 1991, CH. 111½, PAR. 1007.2(b)

Section 13(c) of the Environmental Protection Act (Act) (415 ILCS 5/13(c) (1992) (Ill. Rev. Stat. 1991 ch. 111½, par. 1013(c))) requires the Board to adopt regulations that are "identical in substance" with USEPA underground injection control (UIC) rules adopted pursuant to Section 1421 of the Safe Drinking Water Act (P.L. 93-523), as amended. The term "identical in substance" has been defined in Section 7.2 of the Act. Section 7.2(b) of the Act requires the Board to adopt a rule within one year of adoption of federal rule, unless the Board extends the time based on a finding that the time is insufficient and stating the reasons.

On July 1, 1993, in R93-1, the Pollution Control Board entered the following Order pursuant to Ill. Rev. Stat. 1991 Supp., ch. 111½, par. 1007.2(b):

The USEPA UIC rules are located at 40 CFR 144 through 148. These have been the subject of three recent amendments: 57 Fed. Reg. 31962 (July 20, 1992), 57 Fed. Reg. 37194 (Aug. 18, 1992), and 57 Fed. Reg. 46292 (Oct. 7, 1992). Based on these federal actions, the statutory due date for Board adoption of this matter is July 20, 1993.

The Board hereby finds that an extension of time is necessary. The Board adopted a proposal for public comment in this matter on May 20, 1993. A Notice of Proposed Amendments for each of Parts 730 and 738 appeared in the Illinois Register on June 11, 1993, at 17 Ill. Reg. 8428 and 8423. The public comment period will end on July 26, 1993. This means that this proceeding will be delayed. The Board regularly-scheduled Board meeting that immediately follows the conclusion of the public comment period will occur on August 5, 1993.

The reasons for an extension of time are as follows: the amount of staff time devoted to the R93-1 SDWA Update, the R93-10 Subtitle D Landfill Rules, and the R93-4 RCRA Update rulemakings, which are also identical-in-substance proceedings subject to a statutory deadline, did not allow the fuller attention that this matter required for more timely disposition. Pursuant to Section 7.2(b) of the Act, the Board will submit a copy of the text of this order for publication in the Illinois Register as expeditiously as possible. We presently anticipate completion of this

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENTS

proceeding on or before our regularly-scheduled meeting of August 5, 1993.

Pursuant to Section 7.2(b) of the Act, the Board will submit a copy of the text of this order for publication in the Illinois Register as expeditiously as possible.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF REGULATORY FLEXIBILITY IMPACT ANALYSIS

RULES PROMULGATED BY STATE AGENCIES THAT MAY IMPACT SMALL BUSINESS

Name Of Agency: Illinois Commerce Commission

Heading of the Part: Reinstatement of Revoked Operating Authority

Code Citation: 92 Ill. Adm. Code 1236

Sections Involved: 1236.10

Notice of Proposal Published in Illinois Register: June 25, 1993

Statutory Authority: The Illinois Commercial Transportation Law
[625 ILCS 5/18c - 1101 et seq.]

Information concerning this Regulatory Flexibility Impact Analysis shall be directed to:

Name: Linda D. Brand
Address: Department of Commerce and Community Affairs
620 E. Adams, Springfield, IL 62701
Telephone: (217) 785-6354

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF REGULATORY FLEXIBILITY IMPACT ANALYSIS

RULES PROMULGATED BY STATE AGENCIES THAT MAY IMPACT SMALL BUSINESS

Name Of Agency: Department of Professional RegulationHeading of the Part: Medical Practice Act of 1987Code Citation: 68 Ill. Adm. Code 1285

Sections Involved: 1285.20
1285.50
1285.60
1285.70
1285.80
1285.90
1285.91
1285.100
1285.101

Notice of Proposal Published in Illinois Register: June 25, 1993Statutory Authority: Medical Practice Act [225 ILCS 60]

Information concerning this Regulatory Flexibility Impact Analysis shall be directed to:

Name: Linda D. Brand
Address: Department of Commerce and Community Affairs
620 E. Adams, Springfield, IL 62701
Telephone: (217) 785-6354

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF REGULATORY FLEXIBILITY IMPACT ANALYSIS

RULES PROMULGATED BY STATE AGENCIES THAT MAY IMPACT SMALL BUSINESS

Name Of Agency: Department of Public HealthHeading of the Part: Subacute Care Hospital Demonstration Program CodeCode Citation: 77 Ill. Adm. Code 270

Sections Involved: 270.1000
270.1050
270.1100
270.1200
270.1300
270.1400
270.1500
270.1600
270.1700
270.1800
270.1900
270.2000
270.2100
270.2200
270.2300

Notice of Proposal Published in Illinois Register: June 25, 1993Statutory Authority: Alternate Health Care Delivery Act
[210 ILCS 3/1 et seq.]

Information concerning this Regulatory Flexibility Impact Analysis shall be directed to:

Name: Linda D. Brand
Address: Department of Commerce and Community Affairs
620 E. Adams, Springfield, IL 62701
Telephone: (217) 785-6354

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:00 A.M.
JULY 20, 1993

NOTICE: It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules
700 Stratton Building
Springfield, Illinois 62706

AGENDA

I. Approval of June 15, 1993 Minutes

II. Review of Proposed Agency Rulemaking

Agriculture

1. Swine Disease Control and Eradication Act (8 Ill Adm Code 105)
-First Notice Published: 17 Ill Reg 6377 - 4/23/93
-Expiration of Second Notice Period: 7/26/93
2. Illinois Pseudorabies Control Act (8 Ill Adm Code 115)
-First Notice Published: 17 Ill Reg 6373 - 4/23/93
-Expiration of Second Notice Period: 7/26/93

Central Management Services

3. Standard Procurement (44 Ill Adm Code 1)
-First Notice Published: 17 Ill Reg 3926 - 4/2/93
-Expiration of Second Notice Period: 7/26/93

Commerce Commission

4. Equipment Leases (92 Ill Adm Code 1360)
-First Notice Published: 17 Ill Reg 1685 - 2/16/93
-Expiration of Second Notice Period: 7/21/93

Community College Board

5. Administration of the Illinois Public Community College Act (23 Ill Adm Code 1501)
-First Notice Published: 17 Ill Reg 6686 - 5/7/93
-Expiration of Second Notice Period: 8/5/93

Conservation

6. Dog Training on Department-Owned or -Managed Sites (17 Ill Adm Code 950)
-First Notice Published: 17 Ill Reg 6390 - 4/23/93
-Expiration of Second Notice Period: 7/26/93

7. White-Tailed Deer Hunting by Use of Bow and Arrow (17 Ill Adm Code 670)
-First Notice Published: 17 Ill Reg 4698 - 4/9/93
-Expiration of Second Notice Period: 8/16/93

8. White-Tailed Deer Hunting by Use of Firearms (17 Ill Adm Code 650)
-First Notice Published: 17 Ill Reg 4718 - 4/9/93
-Expiration of Second Notice Period: 8/16/93

Corrections

9. Safety, Maintenance and Sanitation (20 Ill Adm Code 502)
-First Notice Published: 17 Ill Reg 6394 - 4/23/93
-Expiration of Second Notice Period: 7/30/93

Labor Relations Board, State/Local

10. Representation Proceedings (80 Ill Adm Code 1210)
-First Notice Published: 17 Ill Reg 3734 - 3/26/93
-Expiration of Second Notice Period: 7/26/93

11. General Procedures (80 Ill Adm Code 1200)
-First Notice Published: 17 Ill Reg 3703 - 3/26/93
-Expiration of Second Notice Period: 7/26/93

12. Unfair Labor Practice Proceedings (80 Ill Adm Code 1220)
-First Notice Published: 17 Ill Reg 3755 - 3/26/93
-Expiration of Second Notice Period: 7/26/93

13. Impasse Resolution (80 Ill Adm Code 1230)
-First Notice Published: 17 Ill Reg 3718 - 3/26/93
-Expiration of Second Notice Period: 7/26/93

Mines and Minerals

14. The Illinois Oil and Gas Act (62 Ill Adm Code 240)
-First Notice Published: 17 Ill Reg 3771 - 3/26/93
-Expiration of Second Notice Period: 8/16/93

Nuclear Safety

15. **Radiation Inspectors and Inspections (32 Ill Adm Code 410)**
-First Notice Published: 16 Ill Reg 19473 - 12/18/92
-Expiration of Second Notice Period: 7/21/93
16. **Use of X-Rays in the Healing Arts Including Medical, Dental, Podiatry, and Veterinary Medicine (32 Ill Adm Code 360)**
-First Notice Published: 16 Ill Reg 19493 - 12/18/92
-Expiration of Second Notice Period: 7/21/93
- Professional Regulation
17. **Public Accounting Act (Professional Conduct) (68 Ill Adm Code 1430)**
-First Notice Published: 17 Ill Reg 4141 - 4/2/93
-Expiration of Second Notice Period: 7/26/93
18. **Real Estate Appraiser Certification (68 Ill Adm Code 1455)**
-First Notice Published: 17 Ill Reg 6612 - 4/30/93
-Expiration of Second Notice Period: 8/2/93
- Public Aid
19. **Reimbursement for Nursing Costs for Geriatric Facilities (89 Ill Adm Code 147)**
-First Notice Published: 17 Ill Reg 5471 - 4/9/93
-Expiration of Second Notice Period: 7/28/93
- Public Health
20. **Illinois Plumbing Code (77 Ill Adm Code 890)**
-First Notice Published: 16 Ill Reg 18479 - 12/4/92
-Expiration of Second Notice Period: 7/21/93
21. **Repeat of Illinois Plumbing Code (77 Ill Adm Code 890)**
-First Notice Published: 16 Ill Reg 18236 - 12/4/92
-Expiration of Second Notice Period: 7/21/93
22. **AIDS Confidentiality and Testing Code (77 Ill Adm Code 697)**
-First Notice Published: 17 Ill Reg 2687 - 3/5/93
-Expiration of Second Notice Period: 8/11/93
23. **Control of Sexually Transmissible Diseases Code (77 Ill Adm Code 693)**
-First Notice Published: 17 Ill Reg 2711 - 3/5/93
-Expiration of Second Notice Period: 8/11/93
24. **Grade A Pasteurized Milk and Milk Products (77 Ill Adm Code 775)**
-First Notice Published: 17 Ill Reg 906 - 1/29/93
-Expiration of Second Notice Period: 8/11/93

25. **Manufactured Dairy Products (77 Ill Adm Code 785)**
-First Notice Published: 17 Ill Reg 920 - 1/29/93
-Expiration of Second Notice Period: 8/11/93
26. **Long-Term Care for Under Age 22 Facilities Code (77 Ill Adm Code 390)**
-First Notice Published: 16 Ill Reg 16520 - 10/30/92
-Expiration of Second Notice Period: 8/11/93
27. **Sheltered Care Facilities Code (77 Ill Adm Code 330)**
-First Notice Published: 16 Ill Reg 16531 - 10/30/92
-Expiration of Second Notice Period: 8/11/93
28. **Skilled Nursing and Intermediate Care Facilities Code (77 Ill Adm Code 300)**
-First Notice Published: 16 Ill Reg 16541 - 10/30/92
-Expiration of Second Notice Period: 8/11/93
29. **Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill Adm Code 350)**
-First Notice Published: 16 Ill Reg 15044 - 10/2/92
-Expiration of Second Notice Period: 8/11/93
30. **Long-Term Care for Under Age 22 Facilities Code (77 Ill Adm Code 390)**
-First Notice Published: 17 Ill Reg 6044 - 4/16/93
-Expiration of Second Notice Period: 8/16/93
31. **Sheltered Care Facilities Code (77 Ill Adm Code 330)**
-First Notice Published: 17 Ill Reg 6059 - 4/16/93
-Expiration of Second Notice Period: 8/16/93
32. **Skilled Nursing and Intermediate Care Facilities Code (77 Ill Adm Code 300)**
-First Notice Published: 17 Ill Reg 6074 - 4/16/93
-Expiration of Second Notice Period: 8/16/93
33. **Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill Adm Code 350)**
-First Notice Published: 17 Ill Reg 6028 - 4/16/93
-Expiration of Second Notice Period: 8/16/93
34. **Food Service Sanitation Code (77 Ill Adm Code 750)**
-First Notice Published: 17 Ill Reg 723 - 1/22/93
-Expiration of Second Notice Period: 8/16/93
35. **Newborn Metabolic Screening and Treatment Code (77 Ill Adm Code 661)**
-First Notice Published: 17 Ill Reg 757 - 1/22/93
-Expiration of Second Notice Period: 8/16/93
36. **Relative Home Placement (89 Ill Adm Code 335)**
-First Notice Published: 16 Ill Reg 12254 - 8/7/92
-Expiration of Second Notice Period: 8/19/93

37. Services Delivered by the Department (89 Ill Adm Code 302)
 -First Notice Published: 16 Ill Reg 11979 - 7/23/92
 -Expiration of Second Notice Period: 8/19/93

Racing Board

38. Rules of Practice (11 Ill Adm Code 205)
 -First Notice Published: 17 Ill Reg 3594 - 3/19/93
 -Expiration of Second Notice Period: 8/13/93

39. Claiming Races (11 Ill Adm Code 510)
 -First Notice Published: 17 Ill Reg 6746 - 5/7/93
 -Expiration of Second Notice Period: 8/16/93

Revenue

40. Income Tax (86 Ill Adm Code 100)
 -First Notice Published: 17 Ill Reg 6619 - 4/30/93
 -Expiration of Second Notice Period: 8/5/93

Transportation

41. Disadvantaged, Minority and Woman-Owned Businesses (92 Ill Adm Code 10)
 -First Notice Published: 17 Ill Reg 6418 - 4/23/93
 -Expiration of Second Notice Period: 7/26/93

III. Certification of No Objection to Proposed Rulemaking

IV. Review of Emergency and Peremptory Rulemakings

Public Health

42. Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill Adm Code 350) (Emergency)
 -Notice Published: 17 Ill Reg 9105 - 6/18/93

43. Minimum Standards for the Licensure of Community Living Facilities (77 Ill Adm Code 370) (Emergency)
 -Notice Published: 17 Ill Reg 9117 - 6/18/93

Nuclear Safety

44. Use of Radionuclides in the Healing Arts (32 Ill Adm Code 335) (Emergency)
 -Notice Published: 17 Ill Reg 9099 - 6/18/93

Rehabilitation Services

45. Case Transfers/Referrals (89 Ill Adm Code 708) (Emergency)
 -Notice Published: 17 Ill Reg 10003 - 7/2/93

Secretary of State

46. The Illinois Library System Act (23 Ill Adm Code 3030) (Emergency)
 -Notice Published: 17 Ill Reg 9725 - 6/25/93

Trustees of University of Illinois

47. Program Content and Guidelines for Division of Specialized Care for Children (89 Ill Adm Code 1200) (Emergency)
 -Notice Published: 17 Ill Reg 8052 - 5/28/93

48. Program Content and Guidelines for Division of Specialized Care for Children (89 Ill Adm Code 1200) (Emergency)
 -Notice Published: 17 Ill Reg 9735 - 6/25/93

V. Agency Responses to Joint Committee Action

Racing Board

49. Rules of Practice (11 Ill Adm Code 205) (Emergency)
 -First Published: 5/7/93
 -Objection Date: 5/11/93
 -Response: Refusal

50. Admissions and Credentials (11 Ill Adm Code 1428)
 -First Published: 3/19/93
 -Objection Date: 6/15/93
 -Response: Modification

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of June 30, 1993 through July 6, 1993, and have been scheduled for review by the Committee at its July 20, 1993 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Office Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
8/16/93	Department of Conservation, White-Tailed Deer Hunting by Use of Bow and Arrow (17 Ill Adm Code 670)	4/9/93 17 Ill Reg 4698	7/20/93
8/16/93	Department of Conservation, White-Tailed Deer Hunting by Use of Firearms (17 Ill Adm Code 650)	4/9/93 17 Ill Reg 4718	7/20/93
8/16/93	Department of Mines and Minerals, The Illinois Oil and Gas Act (62 Ill Adm Code 240)	3/26/93 17 Ill Reg 3771	7/20/93
8/16/93	Illinois Racing Board, Claiming Races (11 Ill Adm Code 510)	5/7/93 17 Ill Reg 6746	7/20/93
8/16/93	Department of Public Health, Long-Term Care for Under Age 22 Facilities Code (77 Ill Adm Code 390)	4/16/93 17 Ill Reg 6044	7/20/93
8/16/93	Department of Public Health, Sheltered Care Facilities Code (77 Ill Adm Code 330)	4/16/93 17 Ill Reg 6059	7/20/93
8/16/93	Department of Public Health, Skilled Nursing and Intermediate Care Facilities Code (77 Ill Adm Code 300)	4/16/93 17 Ill Reg 6074	7/20/93

ILLINOIS REGISTER

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED
(Page 2)

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
8/16/93	Department of Public Health, Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill Adm Code 350)	4/16/93 17 Ill Reg 6028	7/20/93
8/16/93	Department of Public Health, Food Service Sanitation Code (77 Ill Adm Code 750)	1/22/93 17 Ill Reg 723	7/20/93
8/16/93	Department of Public Health, Newborn Metabolic Screening and Treatment Code (77 Ill Adm Code 661)	1/22/93 17 Ill Reg 757	7/20/93
8/19/93	Department of Children and Family Services, Relative Home Placement (89 Ill Adm Code 335)	8/7/92 16 Ill Reg 12254	7/20/93
8/19/93	Department of Children and Family Services, Services Delivered by the Department (89 Ill Adm Code 302)	7/23/92 16 Ill Reg 11979	7/20/93

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE PURSUANT TO PUBLIC ACT 87-823

- 1) Heading of Part: Licensing Enforcement
- 2) Code Citation: 89 Ill. Adm. Code 383
- 3) Section Numbers: Authority Note
- 4) The Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.], as amended pursuant to P. A. 87-823, effective July 1, 1992, requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of Secretary of State, by July 1, 1993.
- 5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act (IAPA), the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions:	
	Existing Cite	New Cite
Authority Note	1001 et seq.	1001-1 et seq.

These changes have been made to the rules on file with the Administrative Code Division, Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE PURSUANT TO PUBLIC ACT 87-823

- 1) Heading of Part: Public Information, Rulemaking and Organization
- 2) Code Citation: 2 Ill. Adm. Code 775
- 3) Section Numbers: Authority Note
- 4) The Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.], as amended pursuant to P. A. 87-823, effective July 1, 1992, requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of Secretary of State, by July 1, 1993.

- 5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act (IAPA), the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions:	
	Existing Cite	New Cite
Authority Note	1001 1004.1 1004.01	1001-1 1005-15 1005-15

These changes have been made to the rules on file with the Administrative Code Division, Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

COMPTROLLER

NOTICE PURSUANT TO P.A. 87-823

- 1) Heading of Part: Access to Information
- 2) Code Citation: 2 Ill Adm Code 625
- 3) Sections: Authority Note
- 4) The Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.], as amended pursuant to P.A. 87-823, effective July 1, 1992, requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of Secretary of State, by July 1, 1993.
- 5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions:	
	Existing Cite	New Cite
Authority Note	Sec. 4.01 Par. 1004.01	Sec. 5-15 Par. 1005-15

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

COMPTROLLER

NOTICE PURSUANT TO P.A. 87-823

- 1) Heading of Part: Merit Commission Rules
- 2) Code Citation: 80 Ill Adm Code 100
- 3) Sections: 100.30; 100.110
- 4) The Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.], as amended pursuant to P.A. 87-823, effective July 1, 1992, requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of Secretary of State, by July 1, 1993.
- 5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions:	
	Existing Cite	New Cite
100.30	Par. 1001-1029	Par. 1001-1 et seq.
100.110	Sec. 13	Sec. 10-45

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

COMPTROLLER

NOTICE PURSUANT TO P.A. 87-823

- 1) Heading of Part: Personnel Rules
- 2) Code Citation: 80 Ill Adm Code 500
- 3) Sections: 500.470
- 4) The Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.], as amended pursuant to P.A. 87-823, effective July 1, 1992, requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of Secretary of State, by July 1, 1993.
- 5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions:	
	Existing Cite	New Cite
500.470	Pars. 1001-1021	Pars. 1001-1 et seq.

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

ILLINOIS REGISTER

COMPTROLLER

NOTICE PURSUANT TO P.A. 87-823

- 1) Heading of Part: Rules of Practice in Administrative Hearings
- 2) Code Citation: 74 Ill Adm Code 310
- 3) Sections: Authority Note
- 4) The Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.], as amended pursuant to P.A. 87-823, effective July 1, 1992, requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of Secretary of State, by July 1, 1993.
- 5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions:	
	Existing Cite	New Cite
Authority Note	Sec. 4(a)(1) Par. 1004(a)(1)	Sec. 5-10(a)(1) Par. 1005-10(a)(1)

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

ILLINOIS FARM DEVELOPMENT AUTHORITY

NOTICE PURSUANT TO P.A. 87-823

- 1) Heading of Part: Illinois Farm Development Authority
- 2) Code Citation: 8 Ill Adm Code 1400
- 3) Sections: 1400.110
- 4) The Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.], as amended pursuant to P.A. 87-823, effective July 1, 1992, requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of Secretary of State, by July 1, 1993.

- 5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions:	
	Existing Cite	New Cite
1400.110	Par. 1001	Par. 1001-1

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

DEPARTMENT OF PUBLIC HEALTH

93

NOTICE PURSUANT TO P.A. 87-823

- 1) Heading of Part: Ambulatory Surgical Treatment Center Licensing Requirements
- 2) Code Citation: 77 Ill. Adm. Code 205
- 3) Sections Involved: 205.130; 205.860
- 4) The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.] requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of the Secretary of State, by July 1, 1993.

- 5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions:	
	Existing Cite	New Cite
205.130(l)	Ill. Rev. Stat. 1987 par. 1001 et seq.	Ill. Rev. Stat. 1991 par. 1001-1 et seq.
205.860(b)(2)	Sections 10 through 18 Ill. Rev. Stat. 1989 par. 1010 through 1018	Article 10 Ill. Rev. Stat. 1991 pars. 1010-5 et seq.

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

DEPARTMENT OF PUBLIC HEALTH

NOTICE PURSUANT TO P.A. 87-823

- 1) Heading of Part: Driver License Medical Advisory Board
- 2) Code Citation: 77 Ill. Adm. Code 525
- 3) Sections Involved: 525.10
- 4) The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.] requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of the Secretary of State, by July 1, 1993.
- 5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions:	
	Existing Cite	New Cite
525.10(a)	Ill. Rev. Stat. 1981 pars. 1001 et seq.	Ill. Rev. Stat. 1991 pars. 1001-1 et seq.

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

DEPARTMENT OF PUBLIC HEALTH

NOTICE PURSUANT TO P.A. 87-823

- 1) Heading of Part: Freedom of Information Code
- 2) Code Citation: 2 Ill. Adm. Code 1126
- 3) Sections Involved: Authority Note
- 4) The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.] requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of the Secretary of State, by July 1, 1993.
- 5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions:	
	Existing Cite	New Cite
Authority Note	Sec. 4.01 Ill. Rev. Stat. 1987 par. 1004-01	Sec. 5-15 Ill. Rev. Stat. 1991 par. 1005-15

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

DEPARTMENT OF PUBLIC HEALTH

NOTICE PURSUANT TO P.A. 87-823

1) Heading of Part: Grade A Pasteurized Milk and Milk Products

2) Code Citation: 77 Ill. Adm. Code 775

3) Sections Involved: 775.60

4) The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.] requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of the Secretary of State, by July 1, 1993.

5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions: Existing Cite	New Cite
775.60(a)	Sec. 16(c) Ill. Rev. Stat. 1985 par. 1016(c)	Sec. 10-65(d) Ill. Rev. Stat. 1991 par. 1010-65(d)

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

DEPARTMENT OF PUBLIC HEALTH

NOTICE PURSUANT TO P.A. 87-823

1) Heading of Part: Illinois Home Health Agency Code

2) Code Citation: 77 Ill. Adm. Code 245

3) Sections Involved: 245.25; 245.150

4) The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.] requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of the Secretary of State, by July 1, 1993.

5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions: Existing Cite	New Cite
245.25(a)(2)(C)	Ill. Rev. Stat. 1989 par. 1001 et seq.	Ill. Rev. Stat. 1991 par. 1001-1 et seq.
245.150(b)(2)	Ill. Rev. Stat. 1989 par. 1001 et seq.	Ill. Rev. Stat. 1991 par. 1001-1 et seq.

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

DEPARTMENT OF PUBLIC HEALTH

NOTICE PURSUANT TO P.A. 87-823

Public Information, Rulemaking and Organization Code

2 Ill. Adm. Code 1125

Authority Note; 1125.110; 1125.150; 1125.170; 1125-Appendix A

The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.] requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of the Secretary of State, by July 1, 1993.

Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAAPA Citation Conversions: Existing Cite	New Cite
Authority Note	Sec. 4.01 Ill. Rev. Stat. 1987 par. 1004-01	Sec. 5-15 Ill. Rev. Stat. 1991 par. 1005-15
1125.110	Sec. 8 Ill. Rev. Stat. 1987 par. 1008	Sec. 5-145 Ill. Rev. Stat. 1991 par. 1005-145
1125.150(b)	Sec. 5	Sec. 5-35
1125.170(c)	Sec. 5.02 Sec. 5.03 Ill. Rev. Stat. 1987 par. 1005.02 par. 1005.03	Sec. 5-45 Sec. 5-50 Ill. Rev. Stat. 1991 par. 1005-45 par. 1005-50
1125-Appendix A	Sec. 5	Sec. 5-35

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

DEPARTMENT OF PUBLIC HEALTH

NOTICE PURSUANT TO P.A. 87-823

Preventive Health and Health Services Block Grant Programs

77 Ill. Adm. Code 960

960.90

The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.] requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of the Secretary of State, by July 1, 1993.

Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAAPA Citation Conversions: Existing Cite	New Cite
960.90	Ill. Rev. Stat. 1981 par. 1001 et seq.	Ill. Rev. Stat. 1991 par. 1001-1 et seq.

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

DEPARTMENT OF PUBLIC HEALTH

NOTICE PURSUANT TO P.A. 87-823

Recreational Area Code

77 Ill. Adm. Code 800

800.1700

1) Heading of Part:2) Code Citation:3) Sections Involved:

4) The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.] requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of the Secretary of State, by July 1, 1993.

5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions: Existing Cite	New Cite
800.1700	Sec. 4(a)(1) Ill. Rev. Stat. 1985 par. 1004(a)(1)	Sec. 5-10(a)(i) Ill. Rev. Stat. 1991 par. 1005-10(a)(i)

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

DEPARTMENT OF PUBLIC HEALTH

NOTICE PURSUANT TO P.A. 87-823

Regionalized Perinatal Health Care Code

77 Ill. Adm. Code 640

640.45

1) Heading of Part:2) Code Citation:3) Sections Involved:

4) The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.] requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of the Secretary of State, by July 1, 1993.

5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions: Existing Cite	New Cite
640.45(a)	Ill. Rev. Stat. 1989 pars. 1001 et seq.	Ill. Rev. Stat. 1991 pars. 1001-1 et seq.

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

DEPARTMENT OF PUBLIC HEALTH

NOTICE PURSUANT TO P.A. 87-823

1) Heading of Part:

Rules and Regulations to Carry Out Provisions of Titles XVIII and XIX of the Social Security Act Relating to Skilled Nursing and Intermediate Care Facilities

2) Code Citation:

77 Ill. Adm. Code 420

3) Sections Involved:

420.60

4)

The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.] requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of the Secretary of State, by July 1, 1993.

5)

Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions: Existing Cite	New Cite
420.60(a)	Ill. Rev. Stat. 1977 par. 1001 et seq.	Ill. Rev. Stat. 1991 par. 1001-1 et seq.

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

DEPARTMENT OF PUBLIC HEALTH

NOTICE PURSUANT TO P.A. 87-823

1) Heading of Part:

Rules of Practice and Procedure in Administrative Hearings

2) Code Citation:

77 Ill. Adm. Code 100

3) Sections Involved:

Authority Note; 100.1; 100.2

4)

The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.] requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of the Secretary of State, by July 1, 1993.

5)

Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions: Existing Cite	New Cite
Authority Note	Sec. 4(a)(1) Ill. Rev. Stat. 1985 par. 1004(a)(1)	Sec. 5-10(a)(i) Ill. Rev. Stat. 1991 par. 1005-10(a)(i)
100.1(a)	Sec. 4(a)(1) Ill. Rev. Stat. 1979 par. 1004	Sec. 5-10(a)(i) Ill. Rev. Stat. 1991 par. 1005-10(a)(i)
100.2	Ill. Rev. Stat. 1985 pars. 1001 et seq.	Ill. Rev. Stat. 1991 pars. 1001-1 et seq.

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

- 1) Heading of Part:
Rules of Practice and Procedure in Administrative Hearings Held Pursuant to Sections 2-110(d) and 3-410 of the Nursing Home Care Reform Act of 1979
- 2) Code Citation:
77 Ill. Adm. Code 430
- 3) Sections Involved:
430.20
- 4) The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.] requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of the Secretary of State, by July 1, 1993.
- 5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions: Existing Cite	New Cite
430.20	Ill. Rev. Stat. 1981 par. 1001 et seq.	Ill. Rev. Stat. 1991 par. 1001-1 et seq.

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

- 1) Heading of Part:
Standards for Approval of Milk Laboratories
- 2) Code Citation:
77 Ill. Adm. Code 463
- 3) Sections Involved:
463.413
- 4) The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.] requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of the Secretary of State, by July 1, 1993.
- 5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions: Existing Cite	New Cite
463.413(b)	Sec. 16(c) Ill. Rev. Stat. 1981 par. 1016(c)	Sec. 10-65(d) Ill. Rev. Stat. 1991 par. 1010-65(d)

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

DEPARTMENT OF PUBLIC HEALTH		DEPARTMENT OF PUBLIC HEALTH	
NOTICE PURSUANT TO P.A. 87-823		NOTICE PURSUANT TO P.A. 87-823	
1) <u>Heading of Part:</u>	Testing of Breath, Blood and Urine for Alcohol and/or Other Drugs	1) <u>Heading of Part:</u>	WIC Vendor Management Code
2) <u>Code Citation:</u>	77 Ill. Adm. Code 510	2) <u>Code Citation:</u>	77 Ill. Adm. Code 672
3) <u>Sections Involved:</u>	510.90	3) <u>Sections Involved:</u>	672.100
4)	The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.] requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of the Secretary of State, by July 1, 1993.	4)	The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.] requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of the Secretary of State, by July 1, 1993.
5)	Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:	5)	Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

IAPA Citation Conversions:		IAPA Citation Conversions:	
Section/ Subsection No.	Existing Cite	Section/ Subsection No.	Existing Cite
510.90(c)(1)	Ill. Rev. Stat. 1983 pars. 1001 et seq.	672.100	Sec. 3.02 par. 1003.02
510.90(e)	Ill. Rev. Stat. 1983 pars. 1001 et seq.		Sec. 1-30 par. 1001-30

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE PURSUANT TO P.A. 87-823

- 1) Heading of Part: Appropriateness Review
- 2) Code Citation: 77 Ill. Adm. Code 1250
- 3) Sections Involved: 1250.1430; 1250.1630
- 4) The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.] requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of the Secretary of State, by July 1, 1993.
- 5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions:	
	Existing Cite	New Cite
1250.1430(d)	Ill. Rev. Stat. 1979 pars. 1001 et seq.	Ill. Rev. Stat. 1991 pars. 1001-1 et seq.
1250.1630(b)(2)	Ill. Rev. Stat. 1979 pars. 1001 et seq.	Ill. Rev. Stat. 1991 pars. 1001-1 et seq.

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE PURSUANT TO P.A. 87-823

- 1) Heading of Part: Criteria and Procedure for Recognition of Area Wide Health Planning Organizations for Health Facilities Planning
- 2) Code Citation: 77 Ill. Adm. Code 1170
- 3) Sections Involved: 1170.40
- 4) The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.] requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of the Secretary of State, by July 1, 1993.
- 5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions:	
	Existing Cite	New Cite
1170.40(c)	Ill. Rev. Stat. 1977 pars. 1010 - 1021	Ill. Rev. Stat. 1991 pars. 1010-5 et seq.

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE PURSUANT TO P.A. 87-823

- 1) Heading of Part: Health Facilities Planning Procedural Rules
- 2) Code Citation: 77 Ill. Adm. Code 1130
- 3) Sections Involved: 1130.150; 1130.810
- 4) The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.] requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of the Secretary of State, by July 1, 1993.
- 5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions: Existing Cite	New Cite
1130.150(b)(6)	Ill. Rev. Stat. 1987 par. 1009	Ill. Rev. Stat. 1991 par. 1005-150
1130.810	Sec. 9 Ill. Rev. Stat. 1987 par. 1009	Sec. 5-150 Ill. Rev. Stat. 1991 par. 1005-150

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE PURSUANT TO P.A. 87-823

- 1) Heading of Part: Practice and Procedure in Administrative Hearings
- 2) Code Citation: 77 Ill. Adm. Code 1180
- 3) Sections Involved: Authority Note; 1180.10; 1180.20
- 4) The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100/1-1 et seq.] requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of the Secretary of State, by July 1, 1993.
- 5) Pursuant to Section 5-155 of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

Section/ Subsection No.	IAPA Citation Conversions: Existing Cite	New Cite
Authority Note	Sec. 4(a)(1) Sec. 10 through 21 Ill. Rev. Stat. 1981 par. 1004(a)(1) pars. 1010 through 1021	Sec. 5-10(a)(i) Article 10 Ill. Rev. Stat. 1991 par. 1005-10(a)(i) pars. 1010-5 et seq.
1180.10(a)	Sec. 4(a)(1) Sec. 10 - 21 Ill. Rev. Stat. 1977 par. 4(a)(1) pars. 1010 - 1021	Sec. 5-10(a)(i) Article 10 Ill. Rev. Stat. 1991 par. 1005-10(a)(i) pars. 1010-5 et seq.
1180.20	Ill. Rev. Stat. 1977 pars. 1001 et seq.	Ill. Rev. Stat. 1991 par. 1001-1 et seq.

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

HEALTH FACILITIES PLANNING BOARD

NOTICE PURSUANT TO P.A. 87-823

1) Heading of the Part: Public Information, Rulemaking and Organization2) Code Citation: 2 Ill. Adm. Code 19253) Sections: Authority Note; 1925.10; 1925.110; 1925.120

4) The Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 87-823, effective July 1, 1992, requires each Agency to integrate all renumbered citations to the Act in their rules on file with the Administrative Code Division, Index Department, Office of Secretary of State, by July 1, 1993.

5) Pursuant to Section 155-of the Illinois Administrative Procedure Act, the following changes in the above named rules are made:

<u>Section/ Subsection No.</u>	<u>IAPA Citation</u>	<u>Conversions:</u>	<u>New Cite</u>
Authority Note	Sec. 4.01		Sec. 5-15
	Ill. Rev. Stat. 1985		Ill. Rev. Stat. 1991
	Par. 1004.01		Par. 1005-15
1925.10	Sec. 401(a)2		Sec. 5-15(a)(2)
1925.110(b)	Sec. 8		Sec. 5-145
1925.120(a)	Sec. 8		Sec. 5-145
	Sec. 5		Sec. 5-35

These changes have been made to the rules on file with the Administrative Code Division of the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rules nor the date on which they became effective.

PROCLAMATION

93-252

A TIME TO SHINE: A TRIBUTE
TO HEALTH CARE VOLUNTEERS DAY

Whereas, metropolitan Chicago is nationally recognized for the quality of care provided by its health care organizations; and

Whereas, health care volunteers, candy strippers, student volunteers, auxiliary members, foundation boards and members, women's board members, and others who donate their time and energies provide a valuable service to hospitals and the community; and

Whereas, health care volunteers bring "high touch" to the often "high tech" hospital environment by providing a wealth of personal services, including delivering mail, books and magazines to patients; staffing gift shops and thrift shops; answering telephones; transporting patients; and greeting visitors; and

Whereas, volunteers support and strengthen the community health care commitment by raising valuable funds for scholarships, research, equipment, technology and facilities; and

Whereas, the more than 100 hospitals and health care organizations that are members of the Metropolitan Chicago Healthcare Council salute health care volunteers and the important role they play in maintaining the Chicago area as a healthy and productive community;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 6, 1993, as A TIME TO SHINE: A TRIBUTE TO HEALTH CARE VOLUNTEERS DAY in Illinois and urge all citizens to recognize the achievements of health care volunteers.

Issued by the Governor April 19, 1993.

Filed with the Secretary of State June 30, 1993.

93-253

DINNER OF CHAMPIONS DAY

Whereas, multiple sclerosis (MS) is a neurological disease affecting the central nervous system, including the brain and the spinal cord; and

Whereas, MS is the number one disabling disease affecting young adults. Its victims are usually between the ages of 20 and 40; and

Whereas, the National Multiple Sclerosis Society, a voluntary health agency, was established in 1945 when a small group of patients and their families joined together to overcome this perplexing disease of the central nervous system; and

Whereas, since 1960, the Chicago-Greater Illinois Chapter of NMSS has been a leader in client services and dollars raised for

research; and

Whereas, on May 12, 1993, Chicago area business and civic leaders will join the Chicago-Greater Illinois Chapter in hosting a "Dinner of Champions" to honor people and organizations who have shown outstanding humanitarian endeavors and dedication;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 12, 1993, as DINNER OF CHAMPIONS DAY in Illinois.

Issued by the Governor April 19, 1993.
Filed with the Secretary of State June 30, 1993.

93-254

INTERNAL AUDIT MONTH

Whereas, the Institute of Internal Auditors, Inc. is an international professional society involved in the development and practice of internal auditing; and

Whereas, since its inception, the institute has striven to serve communities through economical and efficient management in both government and industry; and

Whereas, the Institute of Internal Auditors will be holding its 52nd International Conference June 20-23 at the Hyatt Regency in Chicago. The meeting, which will bring together 1,500 internal auditors from many countries, will feature top international and area speakers and 100 concurrent technical sessions; and

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 1993 as INTERNAL AUDIT MONTH in Illinois.

Issued by the Governor April 19, 1993.
Filed with the Secretary of State June 30, 1993.

93-255

BUCKLE UP KIDS MONTH

Whereas, "Help Me Grow," First Lady Brenda Edgar's Campaign for Children, recognizes the effectiveness and importance of the correct use of child safety seats in preventing Illinois' children from being injured in a vehicle crash; and

Whereas, automobile crashes are the number one cause of death and serious injury for children in the United States; and

Whereas, the Illinois Child Passenger Protection Law has been effective in the prevention of needless harm to children riding in automobiles; and

Whereas, child safety seats are 70 percent effective in preventing fatalities and serious injuries to children; and

Whereas, Illinois' Buckle-Up Kids Week is May 24-31;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim the month of May "Buckle Up Kids Month" in Illinois and urge everyone to remember the lifesaving benefits of using child safety restraints on every trip, no matter how near or far from

home.

Issued by the Governor April 20, 1993.
Filed with the Secretary of State June 30, 1993.

93-256

EGG MONTH

Whereas, eggs are an important part of the American diet; and
Whereas, eggs are an essential ingredient found in many of the foodstuffs, mixes, and baked goods processed in our state; and

Whereas, Illinois egg producers gathered 801,000,000 eggs from 3,083,000 hens in 1992; and

Whereas, the 1993 egg production contributed more than 36 million dollars to the Illinois economy at the retail level;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1993 as EGG MONTH in Illinois.

Issued by the Governor April 20, 1993.
Filed with the Secretary of State June 30, 1993.

93-257

EXCEPTIONAL CHILDREN'S WEEK

Whereas, the observance of Exceptional Children's Week was initiated in 1959 in Chicago; and

Whereas, since 1972, the State of Illinois has set aside the first week of May for the event; and

Whereas, the purpose of the observance is to make the public fully aware of the achievements of exceptional students, the students' needs for extraordinary services, and the role individuals can play in aiding the disabled;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 2-8, 1993, as EXCEPTIONAL CHILDREN'S WEEK in Illinois.

Issued by the Governor April 20, 1993.

Filed with the Secretary of State June 30, 1993.

93-258

GROUNDWATER PROTECTION MONTH

Whereas, nearly 97 percent of Illinois' rural citizens rely on groundwater drawn from more than 400,000 wells; and

Whereas, the Illinois Groundwater Protection Act and other laws have established standards for the protection of water wells and the monitoring of groundwater quality; and

Whereas, all well owners should be encouraged to learn about and use available information to protect our invaluable

groundwater resources; and

Whereas, protecting groundwater requires the management of land around wells to prevent contamination in groundwater recharge areas; and

Whereas, community planning and other local actions are among the most useful tools available for groundwater protection and communities should be encouraged to make use of available information when formulating plans and implementing policies;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1993 as GROUNDWATER PROTECTION MONTH in Illinois. I commend private well owners, local governments, water well drillers, regional groundwater protection planning committees, private organizations, and state agencies who have acted to protect our State's groundwater and to enhance the community's vital role in land use planning and demonstrating groundwater protection measures. I further urge citizens to become better informed about the need for and value of groundwater protection and to make full use of the available information to guide their future actions toward protecting Illinois' precious groundwater resources.

Issued by the Governor April 20, 1993.

Filed with the Secretary of State June 30, 1993.

93-259 LAW DAY

Whereas, May 1 is Law Day in the United States of America; and

Whereas, the United States has been the fortress of individual liberty and a beacon of hope and opportunity for more than 200 years to many millions of individuals who have sought U.S. citizenship; and

Whereas, the foundation of individual freedom and liberty is the body of the law that governs us; and

Whereas, the Constitution of the United States of America and the Bill of Rights are the heart of that body of law, guaranteeing our freedom--including freedom of religious beliefs, freedom to have and hold property inviolate, freedom of assembly, freedom of speech, freedom of press, freedom of petition, and due process of the law; and

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1, 1993, as LAW DAY in Illinois.

Issued by the Governor April 20, 1993.

Filed with the Secretary of State June 30, 1993.

93-260 MENTAL HEALTH MONTH

Whereas, more than 40 million Americans of all ages suffer from mental illnesses such as depression, schizophrenia, anxiety disorder, serious emotional disturbance, Alzheimer's disease, and others; and

Whereas, together, these different disorders make mental illness the most prevalent health problem in America today--more common than cancer, lung and heart disease combined; and

Whereas, two out of every three people who overcome the fear, prejudice, and misunderstanding so often associated with mental illness to seek professional help, get better; and

Whereas, early recognition and treatment of these problems vastly increases the likelihood of restored health; and

Whereas, family, friends, and coworkers play a key role in recognizing the early warning signs of mental illness; and

Whereas, the Mental Health Association in Illinois (MHA), other human service agencies, and community support organizations have designated May as Mental Health Month to increase public awareness and understanding of mental health and mental illnesses; and

Whereas, 1993 marks the 40th anniversary of the creation of the Mental Health Bell that was cast from 300 pounds of chains and shackles that once restrained people in mental institutions. The bell serves as a symbol of hope that the insidious chains of stigma and discrimination that bind people with mental illnesses will be eliminated; and

Whereas, the MHA, along with community mental health associations around the country, have joined forces with the leaders of our state to dispel the myths and falsehoods commonly associated with mental illness, increase recognition of the early warning signs, and create an environment where care can be sought and obtained without fear or shame;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1993 as MENTAL HEALTH MONTH in Illinois.

Issued by the Governor April 20, 1993.

Filed with the Secretary of State June 30, 1993.

93-261 ARTS WEEK

Whereas, the arts in all forms are treasures that bring joy to everyone; and

Whereas, our lives are enriched by the art that surrounds us in our everyday environments, the art that is part of our history, and the art of far-away places that we bring home in our hearts and minds; and

Whereas, the arts in Illinois deserve recognition and support so they may continue to flourish in abundant variety; and

Whereas, the Illinois Arts Council and the National Endowment for the Arts are two organizations that play a vital role in

bringing the arts to our citizenry; and
Whereas, central to that partnership is the shared belief that freedom of artistic expression must remain unfettered by government interference in its content;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 19-25, 1993, as ARTS WEEK in Illinois.

Issued by the Governor April 21, 1993.

Filed with the Secretary of State June 30, 1993.

93-262

BETTER HEARING AND SPEECH MONTH

Whereas, communicative disorders such as hearing loss, speech impairments, and related language deficiencies constitute to nation's number one disability; and

Whereas, 24 million Americans--about 10 percent of our population--and 1.1 million Illinoisans have speech, language, or hearing impairments that may affect their educational, vocational, personal, and social functions; and

Whereas, most people with such disorders can be helped through medical treatment, surgery, hearing aids, or appropriate therapy; and

Whereas, the first step toward obtaining help in knowing it is available; and

Whereas, the leading national and regional organizations concerned with hearing, speech, and language problems have joined together to promote public awareness through an extensive annual effort; and

Whereas, such an effort will encourage and stimulate early detection of communicative disorders, proper prevention and treatment, and greater public understanding of hearing, speech, and language impairments;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1993 as BETTER HEARING AND SPEECH MONTH in Illinois.

Issued by the Governor April 21, 1993.

Filed with the Secretary of State June 30, 1993.

93-263

GARDEN WEEK

Whereas, members of The Garden Clubs of Illinois, Inc. are concerned with promoting conservation and beautification in our state; and

Whereas, they encourage citizens to plant trees, shrubs, and vines near their homes, along with highways, and on public grounds; and

Whereas, gardening instills a greater respect and care for our environment and our natural resources; and

Whereas, our gardens also yield herbs, foliage, and flowers which add beauty, fragrance, and nutrition to our lives; and

Whereas, gardening furnishes a challenging and productive full- or part-time activity for a large number of our citizens;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 6-12, 1993, as GARDEN WEEK in Illinois.

Issued by the Governor April 21, 1993.

Filed with the Secretary of State June 30, 1993.

93-264

HIGH BLOOD PRESSURE MONTH

Whereas, nearly 3.5 million Illinoisans are among the 50 million Americans who have an increased risk of illness and death due to high blood pressure; and

Whereas, high blood pressure is a contributing factor in millions of heart attacks, strokes, and kidney failures each year; and

Whereas, for 20 years, Americans have worked together in local, state, and national organizations to increase awareness and control of this serious health problem; and

Whereas, these efforts and the work of the National High Blood Pressure Education Program have helped lower the stroke mortality rate by 57 percent and the coronary heart disease rate by 45 percent since 1972; and

Whereas, the Illinois Department of Public Health has awarded Preventive Health and Health Services Block Grant Funds to 74 local health departments for cardiovascular disease prevention programs; and

Whereas, an estimated one million Illinoisans with high blood pressure are not aware of their condition. Another 600,000 Illinoisans who are aware they have high blood pressure are not controlling their condition;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1993 as HIGH BLOOD PRESSURE MONTH in Illinois and urge Illinoisans to have their blood pressure checked and to take appropriate measures to keep it under control.

Issued by the Governor April 21, 1993.

Filed with the Secretary of State June 30, 1993.

93-265

ILLINOIS CANCER PAIN AWARENESS DAY

Whereas, the Illinois Cancer Pain Initiative (ICPI) was established as a not-for-profit corporation to inform the public that cancer pain may be relieved and that relief should be a reasonable expectation; and

Whereas, ICPI seeks to improve the treatment of cancer pain

through means of professional and public education, such as teaching professionals chronic pain management techniques and conducting research related to cancer pain management; and

Whereas, the organization is promoting the observance of Illinois Cancer Pain Awareness Day April 29, 1993, to coincide with the annual meeting of the Midwest Pain Society in Chicago;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 29, 1993, as ILLINOIS CANCER PAIN AWARENESS DAY in Illinois.

Issued by the Governor April 21, 1993.

Filed with the Secretary of State June 30, 1993.

93-266

KEEP AMERICA BEAUTIFUL MONTH

Whereas, the State of Illinois is rich in natural resources and beauty; and

Whereas, every citizen should contribute to keeping the Illinois environment clean and healthful and should work with others to preserve clean air, fresh water, and the natural beauty of our surroundings; and

Whereas, Keep America Beautiful, Inc., the national, nonprofit public educational organization responsible for involving individuals in community improvement, originated the Keep America Beautiful Month to focus attention on the efforts of concerned Americans.

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 1993 as KEEP AMERICA BEAUTIFUL MONTH in Illinois. I ask all citizens from businesses, civic groups, government agencies, and other organizations to work together to preserve the natural beauty of our state not only during the observance, but throughout the year.

Issued by the Governor April 21, 1993.

Filed with the Secretary of State June 30, 1993.

93-267

MUSIC WEEK

Whereas, music is a vital part of the culture of every civilized nation, and the people of the United States are proving themselves to be great music-producing and music-loving citizens; and

Whereas, the pursuit of music, whether it be through study, composing, listening, performing, or participating, provides enriching experiences; and

Whereas, May 2-9, 1993, will mark the 70th annual observance of National Music Week; and

Whereas, through National Music Week, the National Federation

of Music Clubs provides an opportunity for the organized musical forces of the country, as well as religious, educational, and civic groups, to join music lovers in emphasizing the joys and pleasures to be gained from making music;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 2-9, 1993, as MUSIC WEEK in Illinois,

Issued by the Governor April 21, 1993.

Filed with the Secretary of State June 30, 1993.

93-268

OLDER AMERICANS MONTH

Whereas, it has become a nationwide tradition to celebrate May as Older Americans Month and the State of Illinois is proud to be an integral part of this tradition; and

Whereas, the Illinois Older Americans Month observance is particularly significant in 1993 because the year marks the 20th anniversary of the Illinois Department on Aging and the Aging Network in Illinois; and

Whereas, this cabinet-level agency and the state's Aging Network have planned, developed, and refined a statewide, locally-based service delivery system that helps frail older adults remain in their own homes and communities; and

Whereas, during the past 20 years, the programs and services coordinated by this network have greatly improved the quality of life for countless numbers of older Illinoisans; and

Whereas, the Department on Aging, Area Agencies on Aging, and community-based providers continually strive to achieve further success by exploring and implementing new initiatives, like the Caregiving Initiative and Eldercare Illinois; and

Whereas, the dedicated individuals who are part of this network, their associates, and advocates in the field of aging will gather in Springfield on May 26, 1993, to celebrate "Twenty Years of Caring" and -- in conjunction with this anniversary -- urge all Illinois citizens to "Think ELDERCARE;"

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1993 as OLDER AMERICANS MONTH in Illinois and invite citizens to join me in saluting the State's Aging Network and those who have contributed to its 20-year history of success.

Issued by the Governor April 21, 1993.

Filed with the Secretary of State June 30, 1993.

93-269

STAUNTON HIGH SCHOOL BULLDOGS DAY

Whereas, the Staunton High School Bulldogs won the Class A State Basketball Championship; and

Whereas, the Staunton High School Bulldogs have become the

first team from Macoupin County to win a state title in any sport; and

Whereas, the Staunton High School Bulldogs rallied to victory over a heavily favored team from Chicago; and

Whereas, the Staunton High School Bulldogs sold more tickets to the Class A State Basketball Championship than any other school;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 13, 1993, as STAUNTON HIGH SCHOOL BULLDOGS DAY in Illinois. I join the faculty and staff on the Staunton Community Unit School District 6, the residents of Staunton, and all Bulldogs fans in honoring the accomplishments of the 1993 Class A State Basketball Champions.

Issued by the Governor April 21, 1993.

Filed with the Secretary of State June 30, 1993.

93-270 STUDENT COUNCIL WEEK

Whereas, 1993 marks the 59th anniversary of the Illinois Association of Student Councils (IASC), a successful group of student representatives; and

Whereas, IASC serves the students of more than 300 high schools and is recognized nationwide; and

Whereas, each year, IASC sponsors an annual convention to give outstanding student leaders the opportunity to gather and exchange information, ideas, and inspiration; and

Whereas, this year's convention will be held May 6-8 at the Bismarck Hotel in Chicago, with the theme "IASC--A Step Ahead";

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 2-8, 1993, as STUDENT COUNCIL WEEK in Illinois.

Issued by the Governor April 21, 1993.

Filed with the Secretary of State June 30, 1993.

93-271 LILAC TIME

Whereas, for more than 65 years, the Village of Lombard and Lombard Park District have enjoyed one of the Park District's most beloved traditions--"Lilac Time," scheduled May 7-16. This annual festival celebrates Lombard's unique horticultural tradition as "The Lilac Village" and serves as a wonderful celebration of spring; and

Whereas, this year's entertainment will delight both residents and visitors alike and offers expanded children's entertainment as well as a variety of music, comedy, informational seminars, a softball tournament, teen dance, Mother's Day Brunch, and a Park District showcase; and

Whereas, Lombard Park District is the first world-class lilac collection to become part of "The Lilac Connection," which was initiated by the Webster Garden Club of Webster, New York, and will eventually include collections of the Arnold Arboreum in Boston; the Royal Botanical Gardens in Hamilton, Canada; and the gardens of Lemoine, France;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 7-16, 1993, as LILAC TIME in Illinois.

Issued by the Governor May 6, 1993.

Filed with the Secretary of State June 30, 1993.

93-272 CLOWN WEEK

Whereas, laughter has been shown to reduce tension, clear the mind, and lift the spirits; and

Whereas, all across America, good people in putty noses and baggy costumes, dedicate themselves to bringing the pleasure of laughter to people in orphanages, children's hospitals, charitable institutions, and homes for the elderly and mentally retarded; and

Whereas, clowns and the spirit they represent are as vital to the maintenance of our humanity as the builders and growers; and

Whereas, clowns donate their time and talents to bring special moments of joy to children of all ages; and

Whereas, to call attention to the charitable activities of clowns and the wholesome entertainment they provide, Congress by a joint resolution approved October 9, 1970, has requested the President to designate the first week of August as National Clown Weekly.

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 1-7, 1993, as CLOWN WEEK in Illinois in conjunction with the national observance.

Issued by the Governor June 15, 1993.

Filed with the Secretary of State June 30, 1993.

93-273 DR. JAMES P. PAULISSEN DAY

Whereas, Dr. James P. Paulissen has served as the Executive Director of the DuPage County Health Department since March 1976; and

Whereas, prior to his tenure at the DuPage County Health Department, Dr. Paulissen served for 10 years as pediatric consultant and chief for the Illinois Department of Public Health Division of Family Health; and

Whereas, his commitment to the mission of public health has been further demonstrated through his roles in numerous

professional organizations. He has served as President of the Illinois Public Health Association and the Illinois Association of Maternal and Child Health, executive committee member of the Illinois Chapter of the American Academy of Pediatrics and the Illinois Association of Public Health Administrators, co-chairman of the Board of Public Health Advisors, and member of the Public Health Leadership Institute Advisory Board for the University of Illinois School of Public Health; and

Whereas, for his unselfish, dedicated efforts, Dr. Paulissen was named Pediatrician of the Year in 1992 by the Illinois Chapter of the American Academy of Pediatrics. In addition, he earned the Distinguished Service Award in 1983 from the Illinois Public Health Association and the Director's Award for Sustained Excellence in 1988 and the Illinois Department of Public Health; and

Whereas, effective June 25, 1993, Dr. Paulissen is retiring from his post as executive director of the DuPage County Health Department. A special ceremony is being held June 18, 1993, to celebrate Dr. Paulissen's retirement and to honor his many accomplishments.

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 18, 1993, as DR. JAMES P. PAULISSEN DAY in Illinois. I commend him on his exemplary role in protecting and improving the health of our citizens and extend best wishes to him on his retirement.

Issued by the Governor June 17, 1993.

Filed with the Secretary of State June 30, 1993.

93-274 JESSE WHITE DAY

Whereas, on June 23, 1993, Division Street, between Clark and Halsted Streets, will be named Jesse White Way in honor of Jesse White, the current Cook County Recorder of Deeds, for his outstanding service over the years to the citizens of that neighborhood; and

Whereas, the community's seniors, as well as many other citizens, petitioned support of the naming of Jesse White Way;

Whereas, Jesse White is a valued citizen of Illinois and has served the City of Chicago and the State of Illinois and its citizens through his many years of public service;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 23, 1993, as JESSE WHITE DAY in Illinois.

Issued by the Governor June 17, 1993.

Filed with the Secretary of State June 30, 1993.

93-275

FATHER RAYMOND BAUMHART DAY

Whereas, Father Raymond Baumhart, S.J., will retire from the office of president of Loyola University; and

Whereas, Father Baumhart has dedicated 23 years of service to Loyola University and Medical Center and in that time has been instrumental in the growth and development of both facilities; and

Whereas, Father Baumhart has demonstrated leadership in the academic and health care fields, improving the quality of higher education and health care for the citizens of the City of Chicago and the State of Illinois; and

Whereas, Father Baumhart has participated in a variety of civic activities, sharing his leadership, knowledge, and energy to improve the quality of life for the community and its residents;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 21, 1993, as FATHER RAYMOND BAUMHART DAY in Illinois.

Issued by the Governor June 18, 1993.

Filed with the Secretary of State June 30, 1993.

93-276

WBEE, CHARLES SHERRELL II, AND TRUTIE T. DAY

Whereas, since June 1, 1955, WBEE radio has been bringing jazz, blues, and gospel music to the Chicago area; and

Whereas, jazz, blues, and gospel represent the three musical art forms fundamental to all western music, from country tunes by Charley Pride or Dolly Parton, to contemporary music by Rod Stewart and Billy Joel; and

Whereas, many of the pioneers of jazz, blues, and gospel music have appeared in WBEE's studios, including such greats as Duke Ellington, Count Basie, Louis Armstrong, and countless others; and

Whereas, WBEE has also had the distinction of bringing great numbers of outstanding personalities into the radio industry; and

Whereas, Charles and Trutie T. Sherrell, the owners of WBEE, have rejoiced in being able to bring this programming to Chicago and have designated June for a month-long celebration highlighting WBEE's past and recognizing those employees who have made the station a lasting monument to classic American music; and

Whereas, on June 23, WBEE will hold a gala black-tie dinner dance at the Annex Restaurant & Entertainment Center in Chicago in honor of the station's 38th anniversary. WGN-TV's Merri Dee, a WBEE alumnus, will be mistress of ceremonies; and

Whereas, this celebration is dedicated to all past and

present employees who have helped make WBEE successful. WBEE has graduated literally hundreds of announcers, secretaries, sales persons, managers, producers, and directors; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 23, 1993, as WBEE, CHARLES SHERRELL II, AND TRUTIE T. DAY in Illinois.

Issued by the Governor June 18, 1993.
Filed with the Secretary of State June 30, 1993.

93-277
BLACK CHILD DEVELOPMENT WEEK

Whereas, the Metro East St. Louis Black Child Development Institute and its affiliates around the country will closely examine the status of black children during National Black Child Development Week, May 9-15; and

Whereas, the Metro East St. Louis Black Child Development Institute will focus on quality child care programs through a variety of activities, including pre-school art displays at various fast-food restaurants, local hospitals, and banking institutions; and

Whereas, the area's pre-school children and their parents will participate in the week-long event by marching to City Hall, where they will launch balloons promoting quality day care services;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 9-15, 1993, as BLACK CHILD DEVELOPMENT WEEK in Illinois in conjunction with the national observance and urge our citizens to support efforts toward providing quality day care centers for all children.

Issued by the Governor June 21, 1993.
Filed with the Secretary of State June 30, 1993.

93-278
CELEBRATION OF READING DAY

Whereas, the State of Illinois recognizes that the ability to read and write at a level sufficient to function in today's society is fundamental to having an informed citizenry; and

Whereas, it is estimated that nearly two million adults in Illinois are not able to read at the level of proficiency necessary to function effectively in our society; and

Whereas, statistics indicate that adults with less than sixth-grade skills are four times more likely to end up on welfare rolls than those whose skills are above that level; and

Whereas, it is estimated that adult illiteracy costs the State of Illinois at least \$4.8 billion a year in unemployment benefits, public aid, and maintenance costs for a mostly

illiterate prison population; and
Whereas, despite these costs, Illinois is considered to be a leader in addressing the problems of adult illiteracy in a coordinated way, frequently bringing together professionals, business people, and volunteers to better meet the needs of our adult low-level reading population; and

Whereas, the Illinois office of the Literacy Volunteers of America, Literacy Chicago, and the Chicago chapter of Executive Women International will bring together public officials, authors, sports figures, and other well-known individuals on Friday, June 25, at the Daley Center in downtown Chicago to celebrate the joy of reading and to bring public attention to the economic and social problems associated with adult literacy;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 25, 1993, as CELEBRATION OF READING DAY in Illinois. I commend the organizations, agencies, and individuals involved with this event for bringing public attention to the many benefits of literacy.

Issued by the Governor June 21, 1993.
Filed with the Secretary of State June 30, 1993.

93-279
PEDIATRIC BRAIN INJURY AWARENESS MONTH

Whereas, an alarming number of Illinois children are suffering from brain injuries; and

Whereas, brain-injured children and their families need advocacy for recognition of educational, therapeutic, and recreational needs; and

Whereas, the Illinois Pediatric Brain Injury Resource Center (IPBIRC) was created to educate and inform the public on the increasing number of brain injuries; and

Whereas, IPBIRC was organized by parents of brain-injured children and by concerned professionals dedicated to improving the quality of life of those children, as well as giving them the opportunity and the encouragement necessary to help them achieve their potential;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1993 as PEDIATRIC BRAIN INJURY AWARENESS MONTH in Illinois.

Issued by the Governor June 21, 1993.
Filed with the Secretary of State June 30, 1993.

93-280
PIONEERS ACROSS AMERICA FOR ALZHEIMER'S RESEARCH MONTH

Whereas, the Independent Telephone Pioneer Association (ITPA) is a national philanthropic organization comprised of 40,000

active and retired employees of the independent telecommunications industry; and

Whereas, today Alzheimer's disease affects four million older Americans, and as our population continues to age, that number could reach 14 million before the middle of the next century; and

Whereas, the American Health Assistance Foundation (AHAf) is a leader in the funding of vital research into the causes of and cures for Alzheimer's disease across the country and around the world; and

Whereas, ITPA is sponsoring Pioneers Across America for Alzheimer's Research (PAAAR), a 4,300 mile coast-to-coast bike ride to enhance public awareness of Alzheimer's disease and to raise one million dollars to support Alzheimer's disease research funded by AHAf;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 1993 as PIONEERS ACROSS AMERICA FOR ALZHEIMER'S RESEARCH MONTH in June.

Issued by the Governor June 21, 1993.
Filed with the Secretary of State June 30, 1993.

93-281

WORLD CHAMPION CHICAGO BULLS THREE-PEAT DAY

Whereas, the Chicago Bulls have again proved that Chicago is a City of Champions by winning the 1993 National Basketball Association World Championship; and

Whereas, the Chicago Bulls became the first team to win three consecutive NBA championships in nearly three decades; and

Whereas, the Chicago Bulls now join the ranks of the Lakers of the '50s and the Celtics in the '60s as the only NBA dynasties to win at least three consecutive titles; and

Whereas, Michael Jordan, with a record 41 points per game average during the six-game series, was named the Most Valuable Player for the NBA Finals for the third consecutive year, an unprecedented achievement; and

Whereas, the final three-point shot by John Paxson from an assist by Horace Grant, along with the final blocked shot by Horace Grant, clinched the championship for the Bulls; and

Whereas, the championship would not have been possible without the spirited support of the Chicago Bulls' fans and the contributions of the entire Chicago Bulls' organization, from the players on the court including B.J. Armstrong, Bill Cartwright, Horace Grant, Michael Jordan, Stacey King, Rodney McCray, John Paxson, Will Perdue, Scottie Pippen, Trent Tucker, Darrell Walker, Scott Williams, Ed Neely and Corey Williams, to the coaching staff and front office including Phil Jackson, John Bach, Jim Cleamons, Tex Winter, Chip Schaefer, Al Vermeil, Jerry Reinsdorf, and Jerry Krause; and

Whereas, the Chicago Bulls, who along with Coach Phil Jackson

have demonstrated that dedication and discipline result in outstanding rewards, will now prepare to strive for more with number four next season;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 22, 1993, as WORLD CHAMPION CHICAGO BULLS THREE-PEAT DAY in Illinois and urge all Illinoisans to honor and salute their outstanding achievement.

Issued by the Governor June 21, 1993.
Filed with the Secretary of State June 30, 1993.

ACTION CODES	
A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PF - Prohibited Filing Order by JCAR*
C - Notice of Corrections	PP - Peremptory or Court Ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR Objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JCAR objections	S - Suspension ordered by JCAR
O - JCAR Statement of Objections	W - Withdrawal to meet JCAR Objections
RQ - Request for Correction	
EC - Expedited Corrections	

*Joint Committee on Administrative Rules

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

ABANDONED MINED LANDS RECLAMATION COUNCIL

4 Ill. Adm. Code 1000 Americans With Disabilities Act Grievance Procedure (A-20092/92; CC-1673)

AGING, DEPARTMENT ON

89 Ill. Adm. Code 240 Community Care Program (P-12251/92; A-224) (P-15203/92; A-6090)
89 Ill. Adm. Code 220 General Programmatic Requirements (P-883; A-8472) (E-1179)

AGRICULTURE, DEPARTMENT OF

4 Ill. Adm. Code 550 Americans With Disabilities Act Grievance Procedure (A-11744/92; CC-1673)
8 Ill. Adm. Code 65 Egg & Egg Products Act (P-527; A-6749)
8 Ill. Adm. Code 700 Farm Preservation Act (P-9781)
8 Ill. Adm. Code 115 Ill. Pseudorabies Control Act (E-5906) (P-6373)
8 Ill. Adm. Code 256 Lawncare Wash Water & Rinsate Collection (P-14975/92; A-2189)
8 Ill. Adm. Code 125 Meat & Poultry Inspection Act (PP-2063)
8 Ill. Adm. Code 290 Standardbred & Thoroughbred Horse Breeding & Racing Programs, Ill. (P-8347)
8 Ill. Adm. Code 750 Sustainable Agriculture (P-1251; A-6965)
8 Ill. Adm. Code 105 Swine Disease Control & Eradication Act (E-5910) (P-6377)

ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF

4 Ill. Adm. Code 500 Americans With Disabilities Act Grievance Procedure (A-11426/92; CC-1673)
77 Ill. Adm. Code 2090 Subacute Alcoholism & Substance Abuse Treatment Services (P-8599)

ATTORNEY GENERAL

4 Ill. Adm. Code 125 Americans With Disabilities Act Grievance Procedure (P-2283/92; A-1811)

AUDITOR GENERAL

4 Ill. Adm. Code 1125 Americans With Disabilities Act Grievance Procedure (P-4523)

BANKS AND TRUST COMPANIES, COMMISSIONER OF

4 Ill. Adm. Code 375 Americans With Disabilities Act Grievance Procedure (A-15976/92; CC-1673)

CAPITAL DEVELOPMENT BOARD

4 Ill. Adm. Code 725 Americans With Disabilities Act Grievance Procedure (A-11432/92; CC-1673)
71 Ill. Adm. Code 500 Asbestos Abatement Authority Act Procedures (P-3917)

CARNIVAL-AMUSEMENT SAFETY BOARD

56 Ill. Adm. Code 6000 Carnival & Amusement Ride Inspection Law (P-3922)

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

44 Ill. Adm. Code 5000 Acquisition, Management & Disposal of Real Property (P-11378/92; A-1006) (P-2105; A-10753) (E-2361)

80 Ill. Adm. Code 303 Conditions of Employment (P-19285/92; A-5587)

74 Ill. Adm. Code 900 Joint Rules of the Comptroller & the Dept. of Central Management Services; Prompt Payment (P-10677) (E-11168)

80 Ill. Adm. Code 2160 Local Government Health Plan (P-3169)

80 Ill. Adm. Code 302 Merit & Fitness (P-17187/92; A-3169)

80 Ill. Adm. Code 310 Pay Plan (P-191; C-672) (P-13679/92; A-238) (PP-498) (P-13179/92; A-590) (P-14001/92; A-1819) (P-18139/92; A-6441) (P-7605)

80 Ill. Adm. Code 2650 Solicitation for Charitable Payroll Deductions (P-2449)

44 Ill. Adm. Code 1 Standard Procurement (P-12808/92; A-600) (P-3926)

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

89 Ill. Adm. Code 304 Access to & Eligibility for Child Welfare Services (P-7545/92; A-251)
89 Ill. Adm. Code 336 Appeal of Child Abuse & Neglect Investigation Findings (P-7963/92; A-1026)

89 Ill. Adm. Code 434 Audits, Reviews & Investigations (P-7115)

89 Ill. Adm. Code 330 Child Custody Investigations & Supervision Related to Custodian or Visitation Judgements (P-1259)

89 Ill. Adm. Code 377 Facilities & Programs Exempt from Licensure (P-7553/92; A-259)

89 Ill. Adm. Code 354 Facility Amusement Funds (PR-8099)

89 Ill. Adm. Code 402 Licensing Standards for Foster Family Homes (P-11707/92; A-267)

89 Ill. Adm. Code 378 Multiple Licensure (PR-7561/92; AR-272)

89 Ill. Adm. Code 356 Rate Setting (P-10679)

89 Ill. Adm. Code 335 Relative Home Placement (P-6681)

89 Ill. Adm. Code 309 Review & Appeal Process (PR-7982/92; AR-1044)

89 Ill. Adm. Code 337 Service Appeal Process (P-7999/92; A-1046)

89 Ill. Adm. Code 302 Services Delivered by the Department (P-7565/92; A-274) (P-2460) (E-2513)

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF (CONT'D)	
89 III. Adm. Code 376	Standards for Department Facilities (PR-8104)
COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF	
4 III. Adm. Code 575	Americans With Disabilities Act Grievance Procedure (A-14621/92; CC-1673)
47 III. Adm. Code 125	Emergency Community Services Homeless Grant Program (P-18879/92; A-6180)
14 III. Adm. Code 520	Enterprise Zone Program (P-13691/92; A-1837) (P-9791)
47 III. Adm. Code 100	Low Income Home Energy Assistance Program (P-16707/92 A-3836)
56 III. Adm. Code 2600	Service Delivery System & State Responsibilities (P-7120/92; A-6483)
1 III. Adm. Code 300	Small Business Impact Analysis Procedures (P-11391/92; A-1511)
47 III. Adm. Code 130	State Administration of the Ill. Neighborhood Corps Program (PR-1; A-7212)
83 III. Adm. Code 745	Tariff Filings (P-10513/92; A-10258)
COMMERCE COMMISSION, ILLINOIS	
92 III. Adm. Code 1376	Accounting & Financial Record Requirements (P-8630)
4 III. Adm. Code 400	Americans With Disabilities Act Grievance Procedure (A-12439/92; CC-1673)
83 III. Adm. Code 305	Construction of Electric Power & Communication Lines (P-2462)
83 III. Adm. Code 756	Dual Party Relay Service (P-14004/92; A-1848)
92 III. Adm. Code 1360	Equipment Leases (P-1685)
83 III. Adm. Code 590	Minimum Safety Standards for Transportation of Gas & For Gas Pipeline Facilities (P-2466)
83 III. Adm. Code 255	Notice Requirements for Change in Rates for Cooling, Electric, Gas, Heating, Telecommunications, Sewer or Water Services (P-13703/92; A-798)
83 III. Adm. Code 315	Pole Attachment Rates, Terms & Conditions Applicable to Cable Television Companies & Electric & Telephone Public Utilities (P-202)
83 III. Adm. Code 280	Procedures for Gas, Electric, Water & Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Payment Practices & Discontinuance of Service (P-12810/92; A-805) (P-6382)
83 III. Adm. Code 735	Procedures Governing the Establishment of Credit, Billing Termination of Service & Issuance of Telephone Directories for Telephone Utilities in the State of Ill. (G.O. #218) (P-6386)
83 III. Adm. Code 275	Promotional Practices of Electric & Gas Public Utilities (P-8269/92; A-98; RQ-2075; EC-3902)
92 III. Adm. Code 1236	Reinstatement of Revoked Operating Authority (P-9167)
83 III. Adm. Code 755	Telecommunications Access for the Hearing & Voice Impaired (P-16709/92; A-5594)
92 III. Adm. Code 1375	Uniform System of Accounts (P-8635)
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23 III. Adm. Code 1501	Administration of the Ill. Public Community College Act (P-12274/92; A1853) (P-6686)
4 III. Adm. Code 1050	Americans With Disabilities Act Grievance Procedure (P-17399/92; A-4185)
2 III. Adm. Code 5176	Public Access to Information (CC-6903)
2 III. Adm. Code 5175	Public Information, Rulemaking and Organization (CC-6904)
COMMUNITY DEVELOPMENT FINANCE CORPORATION, ILLINOIS	
47 III. Adm. Code 700	By-Laws (P-4530)

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4 III. Adm. Code 775	Americans with Disabilities Act Grievance Procedure (P-13710/92; A-6499)
74 III. Adm. Code 330	Joint Rules of the Comptroller & the Dept. of Central Management Services: Prompt Payment (P-10686) (E-11170)
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17 III. Adm. Code 530	Cock Pheasant, Hungarian Partridge, Bobwhite Quail, Rabbit & Crow Hunting (P-7138)
17 III. Adm. Code 830	Commercial Fishing & Musseling in Certain Waters of the State (P-17405/92; A-3177)
17 III. Adm. Code 950	Dog Training on Department-Owned or -Managed Sites (P-6390)
17 III. Adm. Code 730	Dove Hunting (P-4539; A-10761)
17 III. Adm. Code 590	Duck, Goose & Coot Hunting (E-1658) (4554)
17 III. Adm. Code 1536	Forestry Development Cost-Share Program (P-8107)
17 III. Adm. Code 510	General Hunting & Trapping on Department-Owned or -Managed Sites (P-4601; A-10775)
17 III. Adm. Code 1050	III. List of Endangered & Threatened Flora (P-4608; A-10781)
17 III. Adm. Code 570	Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver & Woodchuck (Groundhog) Trapping (P-4611; A-10785)
17 III. Adm. Code 220	North Point Marina (P-19993/92; A-6760)
17 III. Adm. Code 550	Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote & Woodchuck (Groundhog) Hunting (P-4622; A-10795)
17 III. Adm. Code 810	Sport Fishing Regulations for the Waters of Ill. (P-17414/92; A-3853; E-5915) (P-4636; A-10806)
17 III. Adm. Code 690	Squirrel Hunting (P-4672; A-10842)
17 III. Adm. Code 720	Taking of Wild Turkeys-Fall Archery Season. The (P-15260/92; A-281) (P-4680; A-10850)
17 III. Adm. Code 715	Taking of Wild Turkeys-Fall Gun Season (P-4689; A-10858)
17 III. Adm. Code 710	Taking of Wild Turkeys-Spring Season, The (P-18181/92; A-3184)
17 III. Adm. Code 670	White-Tailed Deer Hunting by Use of Bow and Arrow (P-15265/92; A-286) (P-4698)
17 III. Adm. Code 650	White-Tailed Deer Hunting by Use of Firearms (P-4718)
17 III. Adm. Code 660	White-Tailed Deer Hunting Season by Use of Muzzleloading Rifles (P-4742; A-10865)
17 III. Adm. Code 740	Woodchuck, Snipe, Rail & Teal Hunting (P-4757; A-10877)
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20 III. Adm. Code 440	Advocacy Services (PR-16371/92; AR-1519)
4 III. Adm. Code 475	American With Disabilities Act Grievance Procedure (A-10423/92; CC-1673)
20 III. Adm. Code 525	Rights & Privileges (PP-1666; RQ-9150; C-10013) (PP-8069)
20 III. Adm. Code 502	Safety, Maintenance & Sanitation (P-6394)
20 III. Adm. Code 501	Security (P-8396)
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4 III. Adm. Code 150	Americans With Disabilities Act Grievance Procedure (P-1263)

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14 Ill. Adm. Code 1230 Employee Ownership Assistance Program (P-9222/92; A-1859)

EDUCATIONAL FACILITIES AUTHORITY, ILLINOIS

23 Ill. Adm. Code 2310 Functions & Planning Program (P-1691; A-9680)

EDUCATIONAL LABOR RELATIONS BOARD, ILLINOIS

4 Ill. Adm. Code 900 Americans With Disabilities Act Grievance Procedure (P-9273/92; A-9887)

EDUCATION, STATE BOARD OF

23 Ill. Adm. Code 210 Learning Assessment & School Improvement Plans (PR-10061)
23 Ill. Adm. Code 1 Public Schools Evaluation, Recognition & Supervision (P-8684/92; A-18010/92; EC-3553) (P-10079)
23 Ill. Adm. Code 228 Transitional Bilingual Education (P-9253/92; A-104)
23 Ill. Adm. Code 245 Urban Education Partnership Program (P-10131)

EMPLOYMENT SECURITY, DEPARTMENT OF

4 Ill. Adm. Code 1025 Americans With Disabilities Act Grievance Procedure (P-13188/92; A-8802)
56 Ill. Adm. Code 2865 Claimant's Availability For Work, Ability To Work & Active Search For Work (P-6907)
56 Ill. Adm. Code 2840 Claimant's Reason For Separation From Work (P-886; A-10270) (P-8403)
56 Ill. Adm. Code 2720 Claims, Adjudication, Appeals & Hearings (P-6919)
56 Ill. Adm. Code 2770 Determination of Unemployment Contributions (P-15625/92; A-295)
56 Ill. Adm. Code 2732 Employment (P-211; A-8809) (P-5985)
56 Ill. Adm. Code 2712 General Application (P-17853/92; A-3194)
56 Ill. Adm. Code 2765 Payment of Unemployment Contributions, Interest & Penalties (P-12006/92; A-308) (P-15638/92; A-614) (P-2523; A-10275)

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4 Ill. Adm. Code 925 Americans With Disabilities Act Grievance Procedure (P-10534/92; A-8162)
35 Ill. Adm. Code 254 Annual Emissions Report (P-17195/92; A-7782)
35 Ill. Adm. Code 320 Permit Fees for Installing or Extending Sewers (P-2469)
35 Ill. Adm. Code 858 Procedures for Operation of the Non-Hazardous Solid Waste Fee System (P-4621/92; A-4190)
35 Ill. Adm. Code 876 Processing of Claims for Payment from the Underground Storage Tank Fund (E-16191/92; O-18856/92; RC-18857/92; M-2438)
35 Ill. Adm. Code 252 Public Participation in the Air Pollution Control Permit Program (P-18139/92; A-9684)
35 Ill. Adm. Code 253 Public Participation in the Air Pollution Permit Program (P-18139/92; A-9698)

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8 Ill. Adm. Code 1400 Ill. Farm Development Authority (P-8297/92; A-3618) (P-3956)

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38 Ill. Adm. Code 190 Ill. Credit Union Act (P-6599)
38 Ill. Adm. Code 130 Schedules of Maximum Rates to be Charged for Check Cashing & Writing of Money Orders by Community & Ambulatory Currency Exchanges (P-6929)

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38 Ill. Adm. Code 180 Uniform Disposition of Unclaimed Property Act (P-14006/92; A-123) (P-5990; A-9893) (E-6321)

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4 Ill. Adm. Code 200 Americans With Disabilities Act Grievance Procedure (P-1954/92; A-2200)
41 Ill. Adm. Code 280 Fire Equipment Administrative Procedures (P-15665/92; A-7214)
41 Ill. Adm. Code 100 Fire Prevention & Safety (P-15681/92; PF-8083; W-10010)
41 Ill. Adm. Code 140 Policy & Procedures Manual for Fire Protection Personnel (P-14017/92; W-9752) (E-11181)
41 Ill. Adm. Code 170 Storage, Transportation, Sale & Use of Petroleum & Other Regulated Substances (E-1186)

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77 Ill. Adm. Code 2510 Data Collection (P-18913/92; A-9700) (P-1695) (E-2031)
77 Ill. Adm. Code 2540 Penalties (P-18915/92; A-9713)
77 Ill. Adm. Code 2510 Special Studies & Analyses (P-1695; A-9896)

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77 Ill. Adm. Code 1235 Health Care Worker Self-Referral (E-432; O-3056) (P-683)

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77 Ill. Adm. Code 3000 Hearing Aid Protection Continuing Education Requirements (P-13463/92; A-8817)

HIGHER EDUCATION, BOARD OF

4 Ill. Adm. Code 975 Americans With Disabilities Act Grievance Procedure (A-19806/92; CC-1673)

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17 Ill. Adm. Code 4180 Rules for Review of State Agency Undertakings (P-13718/92; A-1521)

HOUSING DEVELOPMENT AUTHORITY, ILLINOIS

4 Ill. Adm. Code 700 Americans with Disabilities Act Grievance Procedure (P-15684/92; A-6507)
47 Ill. Adm. Code 370 National Affordable Housing Act (HOME) Program (P-11713/92; A-319)

HUMAN RIGHTS, DEPARTMENT OF

56 Ill. Adm. Code 2520 Procedural (P-10)

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4 Ill. Adm. Code 225 Americans With Disabilities Grievance Procedure (P-7749/92; A-2945)
50 Ill. Adm. Code 7020 Pre-Arbitration (P14511/92; A-2206)

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50 Ill. Adm. Code 1408 Actuarial Opinion & Memorandum (P-8735/92; A-4195)
50 Ill. Adm. Code 920 Actuarial Qualification (PR-2530)
50 Ill. Adm. Code 927 Anticipated Salvage & Subrogation Recoverable (P-2106)
50 Ill. Adm. Code 932 Automobile Anti-Theft Mechanisms (P-7279/92; O-1240; M-6893; A-6768)
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50 III. Adm. Code 802	Purchasing & Selling Call & Put Options Contracts (P-44; A-6783) (E-163)
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1 III. Adm. Code 210	General Policies (CC-5965)
1 III. Adm. Code 230	Review of Emergency Rulemaking (CC-5967)
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59 III. Adm. Code 121	Early Intervention Program (P-15715/92; RC-3689; A-4261)
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62 III. Adm. Code 1848	General Rules Relating to Procedure & Practice (P-10669/92; A-10973)
62 III. Adm. Code 240	III. Oil & Gas Act, The (E-1195) (P-13722/92; A-2217) (P-3771)
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62 III. Adm. Code 1778	Permit Applications--Minimum Requirements for Legal, Financial, Compliance, & Related Information (P-10758/92; A-11027)
44 III. Adm. Code 610	Plugging & Restoration Contracts (P-1697; A-8176)
62 III. Adm. Code 1772	Requirements for Coal Exploration (P-10762/92; A-11058)
62 III. Adm. Code 1773	Requirements for Permits & Permit Processing (P-10768/92; A-11063)
62 III. Adm. Code 1785	Requirements for Permits for Special Categories of Mining (P-10784/92; A-11075)
62 III. Adm. Code 1705	Restriction on Financial Interests of State Employees (P-10790/92; A-11080)
62 III. Adm. Code 1774	Revision; Renewal; & Transfer, Assignment, or Sale of Permit Rights (P-10793/92; A-11083)
62 III. Adm. Code 1827	Special Permanent Program Performance Standards--Coal Preparation Plants Not Located Within the Permit Area of a Mine (P-10803/92; A-11091)
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62 III. Adm. Code 1761	Areas Designated by Act of Congress (P-10596/92; A-10909)
62 III. Adm. Code 1800	Bonding & Insurance Requirements for Surface Coal Mining & Reclamation Operations (P-10607/92; A-10916)

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- 4 III. Adm. Code 800 Americans With Disabilities Act Grievance Procedure (P-11988/92; A-11143)
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- 35 III. Adm. Code 1421 Activity Standards (P-19615/92; A-10392)
- 35 III. Adm. Code 211 Definitions & General Provisions (P-4782)
- 35 III. Adm. Code 1422 Design & Operation of Facilities (P-20002/92; O-8084; M-10007; A-9911)
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- 35 III. Adm. Code 604 Finished Water & Raw Water Quality & Quantity (PR-7621)
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- 35 III. Adm. Code 218 Organic Material Emission Standards & Limitations for the Chicago Area (P-4905; C-6520)
- 35 III. Adm. Code 219 Organic Material Emission Standards & Limitations for the Metro East Area (P-5169; C-6539) (E-8295)
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- 35 III. Adm. Code 703 RCRA Permit Program (P-16930/92; A-5774) (P-9417)
- 35 III. Adm. Code 605 Sampling & Monitoring (P-2682; A-7943) (P-7738)
- 35 III. Adm. Code 307 Sewer Discharge Criteria (P-9803)
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- 35 III. Adm. Code 814 Standards for Existing Landfills & Units (P-8714)
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- 35 III. Adm. Code 726 Standards for the Management of Specific Hazardous Waste & Specific Types of Hazardous Waste Management Facilities (P-17028/92; A-5865) (P-9528)
- 35 III. Adm. Code 739 Standards for the Management of Used Oil (P-9588)
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- 68 III. Adm. Code 1210 Collection Agency Act (P-16374/92; A-1535)
- 68 III. Adm. Code 1150 III. Architecture Practice Act of 1989 (P-17042/92; A-1554)
- 68 III. Adm. Code 1220 III. Dental Practice Act (P-15762/92; A-1559) (P-1708) (P-8127) (E-8309)
- 68 III. Adm. Code 1300 III. Nursing Act of 1987 (P-16484/92; A-1572)
- 68 III. Adm. Code 1340 III. Physical Therapy Act (P-8444)
- 68 III. Adm. Code 1465 III. Speech-Language Pathology & Audiology Practice Act, The (P-890)
- 68 III. Adm. Code 1285 Medical Practice Act of 1987 (P-9624)
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- 68 III. Adm. Code 1320 Optometric Practice Act of 1987 (P-6729)
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- 68 III. Adm. Code 1430 Public Accounting Act (Professional Conduct) (P-4141)
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- 68 III. Adm. Code 1480 Structural Engineering Licensing Act of 1989, The (P-4149; A-11162)

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- 89 III. Adm. Code 112 Aid to Families With Dependent Children (P-46) (P-3335/92; A-357) (P-13381/92; A-813) (P-14522/92; A-813) (P-15277/92; A-2253) (P-18216/92; A-4312) (P-3436) (E-6325) (P-19642/92; A-6792) (P-7745) (P-10705)
- 89 III. Adm. Code 113 Aid to the Aged, Blind or Disabled (P-702; A-6804) (P-13383/92; A-827) (P-14999/92; A-2263) (P14533/92; A-3202) (P-17047/92; A-4322) (P-17457/92; P-6804) (P-7755)
- 89 III. Adm. Code 110 Application Process (P-13207/92; A-640)
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- 89 III. Adm. Code 160 Child Support Enforcement (P-8892/92; A-2272) (P-3820)
- 89 III. Adm. Code 165 Collections & Recoveries (P-2110; A-8187) (P-6614)
- 89 III. Adm. Code 116 Crisis Assistance (P-13764/92; A-1078)
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- 89 III. Adm. Code 121 Food Stamps (P-13385/92; A-644) (P-15813/92; A-4333) (P-7165)
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- 89 III. Adm. Code 148 Hospital Services (P-10868/92; A-131) (P-14540/92; A-3296) (P-12826/92; RC-6549; A-6649) (P-6935) (P-9840)
- 89 III. Adm. Code 120 Medical Assistance Programs (P-711; A-6827) (P-14544/92; A-1102) (P-2114; A-10402)
- 89 III. Adm. Code 140 Medical Payment (P-62; A-6839) (P-13211/92; A-837) (P-7576/92; A-1112) (P-13397/92; O-1241; R-2436; A-2290; F-3058) (P-15296/92; A-2951) (P-15019/92; A-3421) (P-12838/92; A-19146/92; RQ-4517; EC-7078) (P-17049/92; A-6196) (P-16495/92; A-6196) (P-17956/92; A-6196) (P-17461/92; A-6839) (P-19665/92; A-6839) (P-17209/92; A-7004) (P-7183)

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77 Ill. Adm. Code 665
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77 Ill. Adm. Code 845
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TYPE OF RULEMAKING ACTION CODES

am =	amendment to existing Section	A =	Adopted rule	PF =	Prohibited filing
cc =	codification changes	C =	Correction	S =	Suspension
n =	new Section	P =	Proposed Rule	O =	ICAR Objection
r =	repeal of existing Section	E =	Emergency rule	R =	Refusal to Modify
re =	recodified	PP =	Peremptory rule	F =	Failure to Remedy
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		W =	Withdrawal	RC =	Recommendation
		RQ =	Request for Correction	EC =	Expedited Correction
				CC =	Codification Changes

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300	(A-15102/92; CC-1673)	900.70	n	(P-10534/92; A-8162)	65.210	am	(P-527; A-6749)
325	(A-8565/92; CC-1673)	925.100	n	(P-10534/92; A-8162)	65.220	am	(P-527; A-6749)
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350.120	(P-5582; A-9994)	925.120	n	(P-10534/92; A-8162)	105.30	am	(E-5910) (P-6377)
350.130	(P-5582; A-9994)	925.130	n	(P-10534/92; A-8162)	115.80	am	(E-5906) (P-6373)
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550	(A-11744/92; CC-1673)	1025.40	n	(P-13188/92; A-8802)	256.80	n	(P-14975/92; A-2189)
575	(A-14621/92; CC-1673)	1025.50	n	(P-13188/92; A-8802)	256.90	n	(P-14975/92; A-2189)
700.101	(P-15684/92; A-6507)	1025.60	n	(P-13188/92; A-8802)	290.10	am	(P-8347)
700.102	(P-15684/92; A-6507)	1025.70	n	(P-17399/92; A-4185)	290.15	am	(P-8347)
700.103	(P-15684/92; A-6507)	1050.10	n	(P-17399/92; A-4185)	290.30	n	(P-8347)
700.201	(P-15684/92; A-6507)	1050.20	n	(P-17399/92; A-4185)	290.50	am	(P-8347)
700.202	(P-15684/92; A-6507)	1050.30	n	(P-17399/92; A-4185)	290.55	am	(P-8347)
700.203	(P-15684/92; A-6507)	1050.40	n	(P-17399/92; A-4185)	290.60	r	(P-8347)
700.204	(P-15684/92; A-6507)	1050.50	n	(P-17399/92; A-4185)	290.62	n	(P-8347)
725	(A-11432/92; CC-1673)	1050.60	n	(P-17399/92; A-4185)	290.63	n	(P-8347)
750	(A-11418/92; CC-1673)	1050.70	n	(P-14182/92; A-142)	290.64	n	(P-8347)
775.10	(P-13710/92; A-6499)	1075.10	n	(P-14182/92; A-142)	290.65	am	(P-8347)
775.20	(P-17310/92; A-6499)	1075.20	n	(P-14182/92; A-142)	290.70	am	(P-8347)
775.30	(P-13710/92; A-6499)	1075.30	n	(P-14182/92; A-142)	290.75	r	(P-8347)
775.40	(P-13710/92; A-6499)	1075.40	n	(P-14182/92; A-142)	290.80	r	(P-8347)
775.50	(P-13710/92; A-6499)	1075.50	n	(P-14182/92; A-142)	290.85	am	(P-8347)
775.60	(P-13710/92; A-6499)	1075.60	n	(P-14182/92; A-142)	290.90	am	(P-8347)
775.70	(P-13710/92; A-6499)	1075.70	n	(P-4523)	290.95	am	(P-8347)
775.80	(P-13710/92; A-6499)	1125.10	n	(P-4523)	290.100	r	(P-8347)
800.10	(P-11988/92; A-11143)	1125.20	n	(P-4523)	290.105	am	(P-8347)
800.20	(P-11988/92; A-11143)	1125.30	n	(P-4523)	290.110	am	(P-8347)
800.30	(P-11988/92; A-11143)	1125.40	n	(P-4523)	290.150	am	(P-8347)
800.40	(P-11988/92; A-11143)	1125.50	n	(P-4523)	290.155	am	(P-8347)
800.50	(P-11988/92; A-11143)	1125.60	n	(P-4523)	290.160	r	(P-8347)
800.60	(P-11988/92; A-11143)	1125.70	n	(P-4523)	290.162	n	(P-8347)
800.70	(P-11988/92; A-11143)	1125.80	n	(P-4523)	290.163	n	(P-8347)
800.80	(P-11988/92; A-11143)	1125.90	n	(P-4523)	290.164	n	(P-8347)
800.90	(P-11988/92; A-11143)	1126.00	n	(P-4523)	290.165	am	(P-8347)
900.10	(P-9273/92; A-9887)	65.10	am	(P-527; A-6749)	290.170	r	(P-8347)
900.20	(P-9273/92; A-9887)	65.100	am	(P-527; A-6749)	290.175	r	(P-8347)
900.30	(P-9273/92; A-9887)	65.130	am	(P-527; A-6749)	290.180	r	(P-8347)
900.40	(P-9273/92; A-9887)	65.150	am	(P-527; A-6749)	290.185	am	(P-8347)
900.50	(P-9273/92; A-9887)	65.170	am	(P-527; A-6749)	290.190	r	(P-8347)

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205.180	n	(P-3594) (E-6859; O-8085)	205.500	n	(P-3594) (E-6859; O-8085)	509.60	am
205.190	n	(P-3594) (E-6859; O-8085)	205.510	n	(P-3594) (E-6859; O-8085)	509.70	am
205.250	n	(P-3594) (E-6859; O-8085)	205.520	n	(P-3594) (E-6859; O-8085)	509.75	am
205.260	n	(P-3594) (E-6859; O-8085)	205.530	n	(P-3594) (E-6859; O-8085)	509.80	am
205.270	n	(P-3594) (E-6859; O-8085)	205.540	n	(P-3594) (E-6859; O-8085)	509.90	am
205.280	n	(P-3594) (E-6859; O-8085)	205.550	n	(P-3594) (E-6859; O-8085)	509.95	n
205.290	n	(P-3594) (E-6859; O-8085)	205.560	n	(P-3594) (E-6859; O-8085)	509.100	am
205.300	n	(P-3594) (E-6859; O-8085)	205.570	n	(P-3594) (E-6859; O-8085)	509.110	am
205.310	n	(P-3594) (E-6859; O-8085)	205.580	n	(P-3594) (E-6859; O-8085)	509.130	r
205.320	n	(P-3594) (E-6859; O-8085)	205.590	n	(P-3594) (E-6859; O-8085)	509.140	am
205.330	n	(P-3594) (E-6859; O-8085)	205.600	n	(P-3594) (E-6859; O-8085)	509.150	am
205.340	n	(P-3594) (E-6859; O-8085)	205.610	n	(P-3594) (E-6859; O-8085)	509.160	am
205.350	n	(P-3594) (E-6859; O-8085)	205.620	n	(P-3594) (E-6859; O-8085)	509.170	am
205.360	n	(P-3594) (E-6859; O-8085)	205.650	n	(P-3594) (E-6859; O-8085)	509.175	r
205.370	n	(P-3594) (E-6859; O-8085)	205.660	n	(P-3594) (E-6859; O-8085)	509.190	am
205.380	n	(P-3594) (E-6859; O-8085)	205.670	n	(P-3594) (E-6859; O-8085)	509.195	r
205.420	n	(P-3594) (E-6859; O-8085)	205.680	n	(P-3594) (E-6859; O-8085)	509.200	am
205.430	n	(P-3594) (E-6859; O-8085)	205.690	n	(P-3594) (E-6859; O-8085)	509.210	am
205.440	n	(P-3594) (E-6859; O-8085)	205.700	n	(P-3594) (E-6859; O-8085)	509.220	am
205.450	n	(P-3594) (E-6859; O-8085)	205.710	n	(P-3594) (E-6859; O-8085)	509.230	am
205.460	n	(P-3594) (E-6859; O-8085)	205.720	n	(P-3594) (E-6859; O-8085)	509.265	r
205.470	n	(P-3594) (E-6859; O-8085)	205.730	n	(P-3594) (E-6859; O-8085)	509.270	am
205.480	n	(P-3594) (E-6859; O-8085)	509.10	am	(P-6955/92; A-3649)	510.30	am
205.490	n	(P-3594) (E-6859; O-8085)	509.20	am	(P-6955/92; A-3649)	510.200	am
			509.30	am	(P-6955/92; A-3649)	510.220	am
			509.40	am	(P-6955/92; A-3649)	1303.70	am
			509.50	am	(P-6955/92; A-3649)	1305.120	r
					(P-6955/92; A-3649)	1305.130	r
					(P-6955/92; A-3649)	1305.140	am
					(P-6955/92; A-3649)	1409.10	am
					(P-6955/92; A-3649)	1409.20	am
					(P-6955/92; A-3649)	1409.310	am
					(P-6955/92; A-3649)	1409.410	am
					(P-6955/92; A-3649)	1409.510	am
					(P-6955/92; A-3649)	1409.710	am
					(P-6955/92; A-3649)	1409.810	am
					(P-6955/92; A-3649)	1409.100	am
					(P-6955/92; A-3649)	1409.120	am
					(P-6955/92; A-3649)	1409.130	am
					(P-6955/92; A-3649)	1409.135	am
					(P-6955/92; A-3649)	1409.138	am
					(P-6955/92; A-3649)	1409.140	am
					(P-6955/92; A-3649)	1409.150	am
					(P-6955/92; A-3649)	1409.160	am
					(P-6955/92; A-3649)	1409.170	am
					(P-6955/92; A-3649)	1409.180	am
					(P-6955/92; A-3649)	1409.185	am
					(P-6955/92; A-3649)	1411.250	n
					(P-6955/92; A-3649)	1413.150	am
					(P-6955/92; A-3649)	1424.170	am
					(P-6955/92; A-3649)	1424.175	r
					(P-6955/92; A-3649)	1428.240	n
					(P-6955/92; A-3649)	RC-10012) (E-3683; O-6550)	
					(P-6955/92; A-3649)	1770.20	am
					(P-6955/92; A-3649)	1770.110	am
					(P-6955/92; A-3649)	1770.170	am
					(P-6955/92; A-3649)	1770.190	am
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					(P-6955/92; A-3649)	150.200	am
					(P-6955/92; A-3649)	150.210	am
					(P-6955/92; A-3649)	150.220	am
					(P-6955/92; A-3649)	150.240	am
					(P-6955/92; A-3649)	150.305	am
					(P-6955/92; A-3649)	150.400	am
					(P-6955/92; A-3649)	150.405	am
					(P-6955/92; A-3649)	150.420	am
					(P-6955/92; A-3649)	150.435	am
					(P-6955/92; A-3649)	150.470	am
					(P-6955/92; A-3649)	150.510	am
					(P-6955/92; A-3649)	150.520	am
					(P-6955/92; A-3649)	150.620	am
					(P-6955/92; A-3649)	150.621	am
					(P-6955/92; A-3649)	150.700	am
					(P-6955/92; A-3649)	150.705	am
					(P-6955/92; A-3649)	150.710	am
					(P-6955/92; A-3649)	150.720	am
					(P-6955/92; A-3649)	170.20	am
					(P-6955/92; A-3649)	520.520	n
					(P-6955/92; A-3649)	520.920	am
					(P-6955/92; A-3649)	520.930	am
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					(P-6955/92; A-3649)	520.1030	am
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					(P-6955/92; A-3649)	1230.110	n
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					(P-6955/92; A-3649)	1230.210	n
					(P-6955/92; A-3649)	1230.300	n
					(P-6955/92; A-3649)	1230.310	n
					(P-6955/92; A-3649)	1230.400	n
					(P-6955/92; A-3649)	1230.500	n
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1230.530 n	(P-9222/92; A-1859)	660.60	am	(P-4742; A-10865)	
1230.540 n	(P-9222/92; A-1859)	670.10	am	(P-15265/92; A-286)	
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		710.20	am	(P-18181/92; A-3184)	
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		715.20	am	(P-4689; A-10858)	
		715.21	n	(P-4689; A-10858)	
		715.40	am	(P-4689; A-10858)	
		720.10	am	(P-15260/92; A-281)	
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		740.10	am	(P-4757; A-10877)	
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		810.35	am	(P-17414/92; A-3853)	
		810.37	am	(P-17414/92; A-3853)	
		810.45	am	(P-17414/92; A-3853)	
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		950.40	am	(P-6390)	
		950.50	am	(P-6390)	
		1050.20	am	(P-4608; A-10781)	
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1536.65 n	(P-8107)	210.110	r	(P-10061)	
1536.70 am	(P-8107)	210.120	r	(P-10061)	
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4180.120 am	(P-13718/92; A-1521)	210.210	r	(P-10061)	
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		228.30	am	(P-9253/92; A-104)	
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218.182 am	(P-4905) am
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218.562 am	(P-4905) am
218.581 am	(P-4905) am
218.582 am	(P-4905) am
218.583 am	(P-4905) am
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218.585 am	(P-4905) am
218.586 am	(P-4905) am
218.601 am	(P-4905) am
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218.605 r	(P-4905) am
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218.609 am	(P-4905) am
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218.640 am	(P-4905) am
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218.644 am	(P-4905) am
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728.Tb.G	n	(P-9317)	739.175	(P-9588)	1420.101	am	(P-19625/92; A-9947)	(P-14006/92; A-123)
730.168	am	(P-8428)	739.180	(P-9588)	1420.102	am	(P-19625/92; A-9947)	(P-6599)
738.101	am	(P-16770/92; A-6190)	739.181	(P-9588)	1420.103	n	(P-19625/92; A-9947)	(P-6599)
		(P-8423)	739.182	(P-9588)	1420.104	n	(P-19625/92; A-9947)	(P-6599)
			739.183	(P-8702)	1420.105	n	(P-19625/92; A-9947)	(P-6599)
738.110	am	(P-16770/92; A-6190)	810.103	am	1420.106	n	(P-19625/92; A-9947)	(P-6599)
738.117	n	(P-8423)	810.104	am	1420.107	n	(P-19625/92; A-9947)	(P-4464)
739.100	n	(P-9588)	811.101	am	1420.120	n	(P-19625/92; A-9947)	(P-4464)
739.110	n	(P-9588)	811.171	am	1420.127	n	(P-19615/92; A-10392)	(P-4464)
739.111	n	(P-9588)	811.110	am	1421.101	n	(P-19615/92; A-10392)	(P-4464)
739.112	n	(P-9588)	811.111	am	1421.110	n	(P-19615/92; A-10392)	(P-4464)
739.120	n	(P-9588)	811.112	n	1421.111	n	(P-19615/92; A-10392)	(P-4464)
739.121	n	(P-9588)	811.302	am	1421.120	n	(P-19615/92; A-10392)	(P-4464)
739.122	n	(P-9588)	811.303	am	1421.121	n	(P-19615/92; A-10392)	(P-4464)
739.123	n	(P-9588)	811.319	am	1421.130	n	(P-19615/92; A-10392)	(P-4464)
739.124	n	(P-9588)	811.323	am	1421.131	n	(P-19615/92; A-10392)	(P-4464)
739.130	n	(P-9588)	811.324	n	1421.140	n	(P-19615/92; A-10392)	(P-4464)
739.131	n	(P-9588)	811.325	n	1421.141	n	(P-19615/92; A-10392)	(P-4464)
739.132	n	(P-9588)	811.326	n	1421.11.A	n	(P-20002/92; A-9911)	(P-4464)
739.140	n	(P-9588)	811.700	am	1422.101	n	(P-20002/92; A-9911)	(P-4464)
739.141	n	(P-9588)	811.701	am	1422.105	n	(P-20002/92; A-9911)	(P-4464)
739.142	n	(P-9588)	811.702	am	1422.106	n	(P-20002/92; A-9911)	(P-4464)
739.143	n	(P-9588)	811.703	am	1422.110	n	(P-20002/92; A-9911)	(P-4464)
739.144	n	(P-9588)	811.704	am	1422.111	n	(P-20002/92; A-9911)	(P-4464)
739.145	n	(P-9588)	811.705	am	1422.120	n	(P-20002/92; A-9911)	(P-4464)
739.146	n	(P-9588)	811.706	am	1422.121	n	(P-20002/92; A-9911)	(P-4464)
739.147	n	(P-9588)	811.707	am	1422.122	n	(P-20002/92; O-8084;	(P-4464)
			811.708	am			M-10007; A-9911)	(P-4464)
739.150	n	(P-9588)	811.709	am	1422.123	n	(P-20002/92; A-9911)	(P-4464)
739.151	n	(P-9588)	811.710	am	1422.124	n	(P-20002/92; A-9911)	(P-4464)
739.152	n	(P-9588)						

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TITLE 38 (CONT'D)				TITLE 38 (CONT'D)			
400.510	re	(A-4464)	400.1460	re	(A-4464)	400.1980	re
400.610	re	(A-4464)	400.1470	re	(A-4464)	400.1982	re
400.615	re	(A-4464)	400.1480	re	(A-4464)	400.1985	re
400.620	re	(A-4464)	400.1510	re	(A-4464)	400.1990	re
400.630	re	(A-4464)	400.1520	re	(A-4464)	400.1993	re
400.640	re	(A-4464)	400.1530	re	(A-4464)	400.1997	re
400.650	re	(A-4464)	400.1540	re	(A-4464)	400.2010	re
400.660	re	(A-4464)	400.1550	re	(A-4464)	400.2005	re
400.665	re	(A-4464)	400.1560	re	(A-4464)	400.2020	re
400.670	re	(A-4464)	400.1570	re	(A-4464)	400.2030	re
400.675	re	(A-4464)	400.1580	re	(A-4464)	400.2040	re
400.680	re	(A-4464)	400.1590	re	(A-4464)	400.2050	re
400.690	re	(A-4464)	400.1600	re	(A-4464)	400.2055	re
400.700	re	(A-4464)	400.1610	re	(A-4464)	400.2060	re
400.710	re	(A-4464)	400.1620	re	(A-4464)	400.2070	re
400.720	re	(A-4464)	400.1630	re	(A-4464)	400.2105	re
400.810	re	(A-4464)	400.1640	re	(A-4464)	400.2110	re
400.910	re	(A-4464)	400.1650	re	(A-4464)	400.2120	re
400.1010	re	(A-4464)	400.1660	re	(A-4464)	400.2200	re
400.1020	re	(A-4464)	400.1670	re	(A-4464)	400.2300	re
400.1030	re	(A-4464)	400.1680	re	(A-4464)	400.2310	re
400.1040	re	(A-4464)	400.1690	re	(A-4464)	400.2320	re
400.1050	re	(A-4464)	400.1700	re	(A-4464)	400.2330	re
400.1060	re	(A-4464)	400.1710	re	(A-4464)	400.2340	re
400.1070	re	(A-4464)	400.1720	re	(A-4464)	400.2400	re
400.1080	re	(A-4464)	400.1730	re	(A-4464)	400.2410	re
400.1090	re	(A-4464)	400.1740	re	(A-4464)	400.2420	re
400.1110	re	(A-4464)	400.1750	re	(A-4464)	400.2500	re
400.1120	re	(A-4464)	400.1760	re	(A-4464)	400.2510	re
400.1130	re	(A-4464)	400.1770	re	(A-4464)	400.2520	re
400.1140	re	(A-4464)	400.1780	re	(A-4464)	400.2530	re
400.1150	re	(A-4464)	400.1790	re	(A-4464)	400.2540	re
400.1160	re	(A-4464)	400.1800	re	(A-4464)	400.2550	re
400.1170	re	(A-4464)	400.1810	re	(A-4464)	400.2700	re
400.1180	re	(A-4464)	400.1820	re	(A-4464)	400.2710	re
400.1190	re	(A-4464)	400.1905	re	(A-4464)	400.2710	re
400.1200	re	(A-4464)	400.1910	re	(A-4464)	400.2710	re
400.1210	re	(A-4464)	400.1915	re	(A-4464)	400.2710	re
400.1220	re	(A-4464)	400.1920	re	(A-4464)	400.2710	re
400.1230	re	(A-4464)	400.1925	re	(A-4464)	400.2710	re
400.1310	re	(A-4464)	400.1930	re	(A-4464)	400.2710	re
400.1320	re	(A-4464)	400.1935	re	(A-4464)	400.2710	re
400.1330	re	(A-4464)	400.1940	re	(A-4464)	400.2710	re
400.1340	re	(A-4464)	400.1945	re	(A-4464)	400.2710	re
400.1410	re	(A-4464)	400.1950	re	(A-4464)	400.2710	re
400.1420	re	(A-4464)	400.1955	re	(A-4464)	400.2710	re
400.1430	re	(A-4464)	400.1970	re	(A-4464)	400.2710	re
400.1440	re	(A-4464)	400.1972	re	(A-4464)	400.2710	re
400.1450	re	(A-4464)	400.1975	re	(A-4464)	400.2710	re
TITLE 38 (CONT'D)				TITLE 38 (CONT'D)			
400.1980	re	(A-4464)	400.1460	re	(A-4464)	400.1980	re
400.1982	re	(A-4464)	400.1470	re	(A-4464)	400.1982	re
400.1985	re	(A-4464)	400.1480	re	(A-4464)	400.1985	re
400.1990	re	(A-4464)	400.1510	re	(A-4464)	400.1990	re
400.1993	re	(A-4464)	400.1520	re	(A-4464)	400.1993	re
400.1997	re	(A-4464)	400.1530	re	(A-4464)	400.1997	re
400.2010	re	(A-4464)	400.1540	re	(A-4464)	400.2010	re
400.2005	re	(A-4464)	400.1550	re	(A-4464)	400.2005	re
400.2020	re	(A-4464)	400.1560	re	(A-4464)	400.2020	re
400.2030	re	(A-4464)	400.1570	re	(A-4464)	400.2030	re
400.2040	re	(A-4464)	400.1580	re	(A-4464)	400.2040	re
400.2050	re	(A-4464)	400.1590	re	(A-4464)	400.2050	re
400.2055	re	(A-4464)	400.1600	re	(A-4464)	400.2055	re
400.2060	re	(A-4464)	400.1610	re	(A-4464)	400.2060	re
400.2070	re	(A-4464)	400.1620	re	(A-4464)	400.2070	re
400.2105	re	(A-4464)	400.1630	re	(A-4464)	400.2105	re
400.2110	re	(A-4464)	400.1640	re	(A-4464)	400.2110	re
400.2120	re	(A-4464)	400.1650	re	(A-4464)	400.2120	re
400.2200	re	(A-4464)	400.1660	re	(A-4464)	400.2200	re
400.2300	re	(A-4464)	400.1670	re	(A-4464)	400.2300	re
400.2310	re	(A-4464)	400.1680	re	(A-4464)	400.2310	re
400.2320	re	(A-4464)	400.1690	re	(A-4464)	400.2320	re
400.2330	re	(A-4464)	400.1700	re	(A-4464)	400.2330	re
400.2340	re	(A-4464)	400.1710	re	(A-4464)	400.2340	re
400.2400	re	(A-4464)	400.1720	re	(A-4464)	400.2400	re
400.2410	re	(A-4464)	400.1730	re	(A-4464)	400.2410	re
400.2420	re	(A-4464)	400.1740	re	(A-4464)	400.2420	re
400.2500	re	(A-4464)	400.1750	re	(A-4464)	400.2500	re
400.2510	re	(A-4464)	400.1760	re	(A-4464)	400.2510	re
400.2520	re	(A-4464)	400.1770	re	(A-4464)	400.2520	re
400.2530	re	(A-4464)	400.1780	re	(A-4464)	400.2530	re
400.2540	re	(A-4464)	400.1790	re	(A-4464)	400.2540	re
400.2550	re	(A-4464)	400.1800	re	(A-4464)	400.2550	re
400.2700	re	(A-4464)	400.1810	re	(A-4464)	400.2700	re
400.2710	re	(A-4464)	400.1820	re	(A-4464)	400.2710	re
400.2710	re	(A-4464)	400.1905	re	(A-4464)	400.2710	re
400.2710	re	(A-4464)	400.1910	re	(A-4464)	400.2710	re
400.2710	re	(A-4464)	400.1915	re	(A-4464)	400.2710	re
400.2710	re	(A-4464)	400.1920	re	(A-4464)	400.2710	re
400.2710	re	(A-4464)	400.1925	re	(A-4464)	400.2710	re
400.2710	re	(A-4464)	400.1930	re	(A-4464)	400.2710	re
400.2710	re	(A-4464)	400.1935	re	(A-4464)	400.2710	re
400.2710	re	(A-4464)	400.1940	re	(A-4464)	400.2710	re
400.2710	re	(A-4464)	400.1945	re	(A-4464)	400.2710	re
400.2710	re	(A-4464)	400.1950	re	(A-4464)	400.2710	re
400.2710	re	(A-4464)	400.1955	re	(A-4464)	400.2710	re
400.2710	re	(A-4464)	400.1970	re	(A-4464)	400.2710	re
400.2710	re	(A-4464)	400.1972	re	(A-4464)	400.2710	re
400.2710	re	(A-4464)	400.1975	re	(A-4464)	400.2710	re
400.1980	re	(A-4464)	400.1460	re	(A-4464)	400.1980	re
400.1982	re	(A-4464)	400.1470	re	(A-4464)	400.1982	re
400.1985	re	(A-4464)	400.1480	re	(A-4464)	400.1985	re
400.1990	re	(A-4464)	400.1510	re	(A-4464)	400.1990	re
400.1993	re	(A-4464)	400.1520	re	(A-4464)	400.1993	re
400.1997	re	(A-4464)	400.1530	re	(A-4464)	400.1997	re
400.2010	re	(A-4464)	400.1540	re	(A-4464)	400.2010	re
400.2005	re	(A-4464)	400.1550	re	(A-4464)	400.2005	re
400.2020	re	(A-4464)	400.1560	re	(A-4464)	400.2020	re
400.2030	re	(A-4464)	400.1570	re	(A-4464)	400.2030	re
400.2040	re	(A-4464)	400.1580	re	(A-4464)	400.2040	re
400.2050	re	(A-4464)	400.1590	re	(A-4464)	400.2050	re
400.2055	re	(A-4464)	400.1600	re	(A-4464)	400.2055	re
400.2060	re	(A-4464)	400.1610	re	(A-4464)	400.2060	re
400.2070	re	(A-4464)	400.1620	re	(A-4464)	400.2070	re
400.2105	re	(A-4464)	400.1630	re	(A-4464)	400.2105	re
400.2110	re	(A-4464)	400.1640	re	(A-4464)	400.2110	re
400.2120	re	(A-4464)	400.1650	re	(A-4464)	400.2120	re
400.2200	re	(A-4464)	400.1660	re	(A-4464)	400.2200	re
400.2300	re	(A-4464)	400.1670	re	(A-4464)	400.2300	re
400.2310	re	(A-4464)	400.1680	re	(A-4464)	400.2310	re
400.2320	re	(A-4464)	400.1690	re	(A-4464)	400.2320	re
400.2330	re	(A-4464)	400.1700	re	(A-4464)	400.2330	re
400.2340	re	(A-4464)	400.1710	re	(A-4464)	400.2340	re
400.2400	re	(A-4464)	400.1720	re	(A-4464)	400.2400	re
400.2410	re	(A-4464)	400.1730	re	(A-4464)	400.2410	re
400.2420	re	(A-4464)	400.1740	re	(A-4464)	400.2420	re
400.2500	re	(A-4464)	400.1750	re	(A-4464)	400.2500	re
400.2510	re	(A-4464)	400.1760	re	(A-4464)	400.2510	re
400.2520	re	(A-4464)	400.1770	re	(A-4464)	400.2520	re
400.2530	re	(A-4464)	400.1780	re	(A-4464)	400.2530	re
400.2540	re	(A-4464)	400.1790	re	(A-4464)	400.2540	re
400.2550	re	(A-4464)	400.1800	re	(A-4464)	400.2550	re
400.2700	re	(A-4464)	400.1810	re	(A-4464)	400.2700	re
400.2710	re	(A-4464)	400.1820	re	(A-4464)	400.2710	re
400.2710	re	(A-4464)	400.1905	re	(A-4464)	400.2710	re
400.2710	re	(A-4464)	400.1910	re	(A-4464)	400.2710	re
400.2710	re	(A-4464)	400.1915	re	(A-4464)	400.2710	re
400.2710	re	(A-4464)	400.1920	re	(A-4464)	400.2710	re
400.2710	re	(A-4464)	400.1925	re	(A-4464)	400.2710	re
400.2710	re	(A-4464)	400.1930	re	(A-4464)	400.2710	re
400.2710	re	(A-4464)	400.1935	re	(A-4464)	400.2710	re
400.2710	re	(A-4464)	400.1940	re	(A-4464)	400.2710	re
400.2710	re	(A-4464)	400.1945	re	(A-4464)	400.2710	re
400.2710	re	(A-4464)	400.1950	re	(A-4464)	400.2710	re
400.2710	re	(A-4464)	400.1955	re	(A-4464)	400.2710	re
400.2710	re	(A-4464)	400.1970	re	(A-4464)	400.2710	re
400.2710	re	(A-4464)	400.1972	re	(A-4464)	400.2710	re

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TITLE 38 (CONT'D)			TITLE 38 (CONT'D)			TITLE 38 (CONT'D)		
450.820	re	(A-4475)	450.1560	re	(A-4475)	1000.620	re	(A-4464)
450.830	re	(A-4475)	450.1570	re	(A-4475)	1000.630	re	(A-4464)
450.840	re	(A-4475)	450.1580	re	(A-4475)	1000.640	re	(A-4464)
450.850	re	(A-4475)	450.1590	re	(A-4475)	1000.650	re	(A-4464)
450.860	re	(A-4475)	450.1595	re	(A-4475)	1000.660	re	(A-4464)
450.910	re	(A-4475)	450.1600	re	(A-4475)	1000.665	re	(A-4464)
450.920	re	(A-4475)	450.1610	re	(A-4475)	1000.670	re	(A-4464)
450.930	re	(A-4475)	450.1620	re	(A-4475)	1000.675	re	(A-4464)
450.940	re	(A-4475)	450.1630	re	(A-4475)	1000.680	re	(A-4464)
450.940	re	(A-4475)	450.1640	re	(A-4475)	1000.690	re	(A-4464)
450.950	re	(A-4475)	450.1650	re	(A-4475)	1000.700	re	(A-4464)
450.1010	re	(A-4475)	450.1660	re	(A-4475)	1000.710	re	(A-4464)
450.1020	am	(P-17570/92; A-3513)	450.1670	re	(A-4475)	1000.720	re	(A-4464)
450.1020	re	(A-4475)	450.1680	re	(A-4475)	1000.810	re	(A-4464)
450.1100	re	(A-4475)	450.1690	re	(A-4475)	1000.910	re	(A-4464)
450.1120	re	(A-4475)	450.1700	re	(A-4475)	1000.1010	re	(A-4464)
450.1130	re	(A-4475)	450.1720	re	(A-4475)	1000.1020	re	(A-4464)
450.1140	re	(A-4475)	450.1730	re	(A-4475)	1000.1030	re	(A-4464)
450.1150	re	(A-4475)	450.1740	re	(A-4475)	1000.1040	re	(A-4464)
450.1160	re	(A-4475)	450.1750	re	(A-4475)	1000.1050	re	(A-4464)
450.1170	re	(A-4475)	450.1760	re	(A-4475)	1000.1060	re	(A-4464)
450.1175	re	(A-4475)	450.1770	re	(A-4475)	1000.1070	re	(A-4464)
450.1210	re	(A-4475)	1000.110	re	(A-4464)	1000.1080	re	(A-4464)
450.1220	re	(A-4475)	1000.120	re	(A-4464)	1000.1090	re	(A-4464)
450.1230	re	(A-4475)	1000.130	re	(A-4464)	1000.1110	re	(A-4464)
450.1240	re	(A-4475)	1000.140	re	(A-4464)	1000.1120	re	(A-4464)
450.1250	re	(A-4475)	1000.141	re	(A-4464)	1000.1130	re	(A-4464)
450.1305	re	(A-4475)	1000.142	re	(A-4464)	1000.1140	re	(A-4464)
450.1310	re	(A-4475)	1000.143	re	(A-4464)	1000.1150	re	(A-4464)
450.1315	re	(A-4475)	1000.150	re	(A-4464)	1000.1160	re	(A-4464)
450.1315	re	(A-4475)	1000.205	re	(A-4464)	1000.1170	re	(A-4464)
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450.1335	re	(A-4475)	1000.250	re	(A-4464)	1000.1220	re	(A-4464)
450.1340	re	(A-4475)	1000.260	re	(A-4464)	1000.1310	re	(A-4464)
450.1345	re	(A-4475)	1000.270	re	(A-4464)	1000.1320	re	(A-4464)
450.1350	re	(A-4475)	1000.280	re	(A-4464)	1000.1330	re	(A-4464)
450.1355	re	(A-4475)	1000.290	re	(A-4464)	1000.1340	re	(A-4464)
450.1360	re	(A-4475)	1000.310	re	(A-4464)	1000.1410	re	(A-4464)
450.1410	re	(A-4475)	1000.410	re	(A-4464)	1000.1420	re	(A-4464)
450.1420	re	(A-4475)	1000.420	re	(A-4464)	1000.1430	re	(A-4464)
450.1510	re	(A-4475)	1000.430	re	(A-4464)	1000.1440	re	(A-4464)
450.1520	re	(A-4475)	1000.440	re	(A-4464)	1000.1450	re	(A-4464)
450.1530	re	(A-4475)	1000.510	re	(A-4464)	1000.1460	re	(A-4464)
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1000.2040 re	(A-4464)	1050.290 re	(A-4475)
1000.2050 re	(A-4464)	1050.310 re	(A-4475)
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370.209	n	(P-11713/92; A-319)	700.209	n	(P-4530)
370.210	n	(P-11713/92; A-319)	700.211	n	(P-4530)
370.211	n	(P-11713/92; A-319)	700.213	n	(P-4530)
370.212	n	(P-11713/92; A-319)	700.220	n	(P-4530)
370.301	n	(P-11713/92; A-319)	700.221	n	(P-4530)
370.302	n	(P-11713/92; A-319)	700.223	n	(P-4530)
370.303	n	(P-11713/92; A-319)	700.224	n	(P-4530)
370.304	n	(P-11713/92; A-319)	700.225	n	(P-4530)
370.305	n	(P-11713/92; A-319)	700.226	n	(P-4530)
370.401	n	(P-11713/92; A-319)	700.227	n	(P-4530)
370.402	n	(P-11713/92; A-319)	700.228	n	(P-4530)
370.501	n	(P-11713/92; A-319)	700.250	n	(P-4530)
370.502	n	(P-11713/92; A-319)	700.252	n	(P-4530)
370.503	n	(P-11713/92; A-319)	700.260	n	(P-4530)
370.504	n	(P-11713/92; A-319)	700.265	n	(P-4530)
370.505	n	(P-11713/92; A-319)	700.270	n	(P-4530)
370.506	n	(P-11713/92; A-319)	700.275	n	(P-4530)
370.507	n	(P-11713/92; A-319)	700.280	n	(P-4530)
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370.603	n	(P-11713/92; A-319)	802.20	am	(P-44; A-6783) (E-163)
370.604	n	(P-11713/92; A-319)	802.30	am	(P-44; A-6783) (E-163)
370.605	n	(P-11713/92; A-319)	802.40	am	(P-44; A-6783) (E-163)
370.701	n	(P-11713/92; A-319)	802.50	am	(P-44; A-6783) (E-163)
370.702	n	(P-11713/92; A-319)	802.60	am	(P-44; A-6783) (E-163)
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802.80	am	(P-44; A-6783) (E-163)	1250.40	n	(P-3985)
805.10	am	(P-42; A-6775) (E-154)	1408.10	n	(P-8735/92; A-4195)
805.20	am	(P-42; A-6775) (E-154)	1408.20	n	(P-8735/92; A-4195)
805.30	am	(P-42; A-6775) (E-154)	1408.30	n	(P-8735/92; A-4195)
805.40	am	(P-42; A-6775) (E-154)	1408.40	n	(P-8735/92; A-4195)
805.50	am	(P-42; A-6775) (E-154)	1408.50	n	(P-8735/92; A-4195)
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904.20	am	(P-3993)	1408.80	n	(P-8735/92; A-4195)
916.10	am	(P-5992)	1408.90	n	(P-8735/92; A-4195)
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916.40	am	(P-5992)	2013.20	am	(P-10375/92; A-1525)
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927.10	am	(P-2106)	2015.40	n	(P-696; A-8170)
927.20	am	(P-2106)	2015.50	n	(P-696; A-8170)
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939.20	am	(P-4768)	2520.710	am	(P-10)
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2720.135	am	(P-6919)	103.95	n	(P-14078/92; A-10282)
2720.145	am	(P-6919)	103.100	am	(P-14078/92; A-10282)
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2765.70	r	(P-12006/92; A-308)	103.170	am	(P-14078/92; A-10282)
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2765.74	n	(P-12006/92; A-308)	103.190	am	(P-14078/92; A-10282)
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2865.50	am	(P-6907)	121.40	n	(P-15715/92; RC-3689; A-4261)
2865.60	am	(P-6907)	121.45	n	(P-15715/92; RC-3689; A-4261)
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2865.210	am	(P-6907)	121.55	n	(P-15715/92; RC-3689; A-4261)
2865.215	am	(P-6907)	121.60	n	(P-15715/92; RC-3689; A-4261)
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121.85	n	(P-15715/92; RC-3689; A-4261)	122.60	n	(P-15691/92; RC-3688; A-4236)
121.90	n	(P-15715/92; RC-3689; A-4261)	122.65	n	(P-15691/92; RC-3688; A-4236)
121.95	n	(P-15715/92; RC-3689; A-4261)	122.70	n	(P-15691/92; RC-3688; A-4236)
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121.105	n	(P-15715/92; RC-3689; A-4261)	122.80	n	(P-15691/92; RC-3688; A-4236)
121.110	n	(P-15715/92; RC-3689; A-4261)	122.85	n	(P-15691/92; RC-3688; A-4236)
121.115	n	(P-15715/92; RC-3689; A-4261)	122.Ap.A	n	(P-15691/92; RC-3688; A-4236)
121.120	n	(P-15715/92; RC-3689; A-4261)	400.10	n	(P-11996; A-11151)
121.130	n	(P-15715/92; RC-3689; A-4261)	400.20	n	(P-11996; A-11151)
121.135	n	(P-15715/92; RC-3689; A-4261)	400.30	n	(P-11996; A-11151)
121.140	n	(P-15715/92; RC-3689; A-4261)	400.40	n	(P-11996; A-11151)
121.145	n	(P-15715/92; RC-3689; A-4261)	400.50	n	(P-11996; A-11151)
121.Ap.A	n	(P-15715/92; RC-3689; A-4261)	400.60	n	(P-11996; A-11151)
122.10	n	(P-15691/92; RC-3688; A-4236)	400.70	n	(P-11996; A-11151)
122.15	n	(P-15691/92; RC-3688; A-4236)	400.80	n	(P-11996; A-11151)
122.20	n	(P-15691/92; RC-3688; A-4236)	400.90	n	(P-11996; A-11151)
122.25	n	(P-15691/92; RC-3688; A-4236)	400.100	n	(P-11996; A-11151)
122.30	n	(P-15691/92; RC-3688; A-4236)	400.110	n	(P-11996; A-11151)
122.31	n	(P-15691/92; RC-3688; A-4236)	400.120	n	(P-11996; A-11151)
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			240.160	am	(P-13722/92; A-2217)
			240.170	am	(P-13722/92; A-2217)
			240.180	am	(P-13722/92; A-2217)
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1701.Ap.A am	(P-10644/92; A-10947)	1817.182 am	(P-10803/92; A-11091)			1220.440 n	(P-15762/92; A-1559)
1702.11 am	(P-10631/92; A-10936)	1827.12 am	(P-10807/92; A-11095)	TITLE 68			
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1702.17 am	(P-10631/92; A-10936)	1843.13 am	(P-10807/92; A-11095)	750.3000 am	(P-15056/92; A-1535)	1220.Ap.C am	(P-1708)
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1705.21 am	(P-10790/92; A-11080)	1843.15 am	(P-10807/92; A-11095)	750.3055 am	(P-15056/92; A-1535)	1240.10 am	(P-15775/92; A-1579)
1761.11 am	(P-10596/92; A-10909)	1843.16 r	(P-10807/92; A-11095)	750.4000 am	(P-15056/92; A-1535)	1240.15 am	(P-15775/92; A-1579)
1761.12 am	(P-10596/92; A-10909)	1843.17 r	(P-10807/92; A-11095)	750.4010 am	(P-15056/92; A-1535)	1240.50 am	(P-15775/92; A-1579)
1764.19 am	(P-10831/92; A-11114)	1843.20 r	(P-10807/92; A-11095)	1150.40 am	(P-17042/92; A-1554)	1240.51 am	(P-15775/92; A-1579)
1772.12 am	(P-10762/92; A-11058)	1843.21 r	(P-10807/92; A-11095)	1210.10 am	(P-16374/92; A-1535)	1285.20 am	(P-9624)
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1774.11 am	(P-10793/92; A-11083)	1845.19 r	(P-10619/92; A-10926)	1210.50 r	(P-16374/92; A-1535)	1285.90 am	(P-9624)
1774.13 am	(P-10793/92; A-11083)	1845.20 am	(P-10619/92; A-10926)	1210.50 r	(P-16374/92; A-1535)	1285.91 n	(P-9624)
1774.15 am	(P-10793/92; A-11083)	1846.17 am	(P-10691/92; A-10997)	1210.60 am	(P-16374/92; A-1535)	1285.100 am	(P-9624)
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1775.11 r	(P-10590/92; A-10907)	1847.1 n	(P-10596/92; A-10887)	1210.80 am	(P-16374/92; A-1535)	1300.48 am	(P-16484/92; A-1572)
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1784.18 am	(P-10853/92; A-11135)	1848.2 n	(P-10669/92; A-10973)	1210.170 am	(P-16374/92; A-1535)	1340.60 am	(P-8444)
1784.27 r	(P-10853/92; A-11135)	1848.3 n	(P-10669/92; A-10973)	1210.180 am	(P-16374/92; A-1535)	1430.3010 am	(P-4141)
1785.13 am	(P-10784/92; A-11075)	1848.5 n	(P-10669/92; A-10973)	1210.190 am	(P-16374/92; A-1535)	1430.3020 am	(P-4141)
1800.11 am	(P-10607/92; A-10916)	1848.6 n	(P-10669/92; A-10973)	1210.200 r	(P-16374/92; A-1535)	1430.5030 am	(P-4141)
1800.40 am	(P-10607/92; A-10916)	1848.7 n	(P-10669/92; A-10973)	1210.210 r	(P-16374/92; A-1535)	1430.5050 am	(P-4141)
1800.50 am	(P-10607/92; A-10916)	1848.8 n	(P-10669/92; A-10973)	1210.220 r	(P-16374/92; A-1535)	1455.10 n	(P-15785/92; A-1589)
1816.42 am	(P-10695/92; A-11001)	1848.9 n	(P-10669/92; A-10973)	1210.230 r	(P-16374/92; A-1535)	1455.15 n	(P-15785/92; A-1589)
1816.43 am	(P-10695/92; A-11001)	1848.11 n	(P-10669/92; A-10973)	1210.235 am	(P-16374/92; A-1535)	1455.20 n	(P-15785/92; A-1589)
1816.49 am	(P-10695/92; A-11001)	1848.12 n	(P-10669/92; A-10973)	1210.240 am	(P-16374/92; A-1535)	1455.30 n	(P-15785/92; A-1589)
1816.84 am	(P-10695/92; A-11001)	1848.13 n	(P-10669/92; A-10973)	1210.250 r	(P-16374/92; A-1535)	1455.30 am	(P-6612) (E-6668)
1816.116 am	(P-10695/92; A-11001)	1848.15 n	(P-10669/92; A-10973)	1220.100 n	(P-8127) (E-8309)	1455.40 n	(P-15785/92; A-1589)
1816.117 am	(P-10695/92; A-11001)	1848.16 n	(P-10669/92; A-10973)	1220.110 am	(P-8127) (E-8309)	1455.50 n	(P-15785/92; A-1589)
1816.151 am	(P-10695/92; A-11001)	1848.17 n	(P-10669/92; A-10973)	1220.120 am	(P-8127) (E-8309)	1455.60 n	(P-15785/92; A-1589)
1817.42 am	(P-10726/92; A-11031)	1848.18 n	(P-10669/92; A-10973)	1220.160 am	(P-15762/92; A-1559)	1455.70 n	(P-15785/92; A-1589)
1817.43 am	(P-10726/92; A-11031)	1848.19 n	(P-10669/92; A-10973)	1220.170 n	(P-15762/92; A-1559)	1455.200 n	(P-15785/92; A-1589)
1817.49 am	(P-10726/92; A-11031)	1848.20 n	(P-10669/92; A-10973)	1220.220 am	(P-8127) (E-8309)	1455.210 n	(P-15785/92; A-1589)
1817.84 am	(P-10726/92; A-11031)	1848.21 n	(P-10669/92; A-10973)	1220.240 am	(P-8127)	1455.300 n	(P-15785/92; A-1589)
1817.87 am	(P-10726/92; A-11031)	1848.22 n	(P-10669/92; A-10973)	1220.260 am	(P-15762/92; A-1559)	1455.310 n	(P-15785/92; A-1589)
1817.116 am	(P-10726/92; A-11031)	1840.130 am	(P-4149; A-11162)	1220.270 n	(P-15762/92; A-1559)	1465.10 r	(P-890)

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1470.90 am	(P-8435)			750.50 r	(P-762; A-9079)	270.2300 n	(P-9654)
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790.3904	am	(P-7198) (E-7283)
790.3907	r	(P-7198) (E-7283)
790.3910	r	(P-7198) (E-7283)
790.3914	am	(P-17496/92; W-7075)
790.3920	r	(P-7198) (E-7283)
790.3945	am	(P-17496/92; W-7075)
790.3940	r	(P-7198) (E-7283)
790.3945	r	(P-7198) (E-7283)
790.3960	r	(P-7198) (E-7283)
790.3980	r	(P-7198) (E-7283)
790.3996	r	(P-7198) (E-7283)
790.4012	r	(P-7198) (E-7283)
790.4020	r	(P-7198) (E-7283)
790.4040	r	(P-7198) (E-7283)
790.4060	r	(P-7198) (E-7283)
790.4100	am	(P-17496/92; W-7075)
790.4140	r	(P-7198) (E-7283)
790.4150	r	(P-7198) (E-7283)
790.4173	r	(P-7198) (E-7283)
790.4180	r	(P-7198) (E-7283)
790.4200	r	(P-7198) (E-7283)

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TITLE 77 (CONT'D)				TITLE 77 (CONT'D)			
790.4220	am	(P-17496/92; W-7075)	790.5060	r	(P-7198) (E-7283)	790.5900	r
			790.5100	r	(P-7198) (E-7283)	790.5924	r
790.4260	r	(P-7198) (E-7283)	790.5140	r	(P-7198) (E-7283)	790.5940	am
790.4300	r	(P-7198) (E-7283)	790.5180	r	(P-7198) (E-7283)		
790.4340	r	(P-7198) (E-7283)	790.5220	am	(P-17496/92; W-7075)		
790.4380	am	(P-7198) (E-7283)			(P-7198) (E-7283)	790.5980	r
		(P-17496/92; W-7075)	790.5260	r	(P-7198) (E-7283)	790.5992	r
790.4382	r	(P-7198) (E-7283)	790.5300	r	(P-7198) (E-7283)	790.5996	r
790.4384	#	(P-17496/92; W-7075)	790.5312	r	(P-7198) (E-7283)	790.6020	r
			790.5320	am	(P-17496/92; W-7075)	790.6060	r
	n	(P-17496/92; W-7075)		r	(P-7198) (E-7283)	790.6100	r
			790.5340	r	(P-7198) (E-7283)	790.6140	r
790.4385	r	(P-7198) (E-7283)	790.5380	r	(P-7198) (E-7283)	790.6180	am
790.4386	r	(P-7198) (E-7283)	790.5420	r	(P-7198) (E-7283)		
790.4396	r	(P-7198) (E-7283)	790.5460	r	(P-7198) (E-7283)	790.6220	r
790.4398	r	(P-7198) (E-7283)	790.5483	r	(P-7198) (E-7283)	790.6260	r
790.4420	r	(P-7198) (E-7283)	790.5500	am	(P-17496/92; W-7075)	790.6275	r
790.4430	r	(P-7198) (E-7283)		r	(P-7198) (E-7283)	790.6277	r
790.4360	r	(P-7198) (E-7283)	790.5520	r	(P-7198) (E-7283)	790.6280	am
790.4395	r	(P-7198) (E-7283)	790.5530	r	(P-7198) (E-7283)		
790.4500	r	(P-7198) (E-7283)	790.5540	am	(P-17496/92; W-7075)	790.6284	r
790.4540	r	(P-7198) (E-7283)		r	(P-7198) (E-7283)	790.6300	r
790.4580	r	(P-7198) (E-7283)	790.5544	r	(P-7198) (E-7283)	790.6330	r
790.4620	r	(P-7198) (E-7283)	790.5555	r	(P-7198) (E-7283)	790.6340	r
790.4660	r	(P-7198) (E-7283)	790.5560	r	(P-7198) (E-7283)	790.6370	am
790.4665	r	(P-7198) (E-7283)	790.5580	r	(P-7198) (E-7283)		
790.4667	r	(P-7198) (E-7283)	790.5620	r	(P-7198) (E-7283)	790.6375	r
790.4670	r	(P-7198) (E-7283)	790.5640	r	(P-7198) (E-7283)	790.6380	r
790.4680	r	(P-7198) (E-7283)	790.5660	r	(P-7198) (E-7283)	790.6420	r
790.4700	r	(P-7198) (E-7283)	790.5700	r	(P-7198) (E-7283)	790.6430	am
790.4720	am	(P-17496/92; W-7075)	790.5720	r	(P-7198) (E-7283)		
			790.5740	r	(P-7198) (E-7283)	790.6435	r
790.4725	r	(P-7198) (E-7283)	790.5740	r	(P-7198) (E-7283)	790.6445	r
790.4728	am	(P-17496/92; W-7075)	790.5780	r	(P-7198) (E-7283)	790.6450	r
			790.5788	am	(P-17496/92; W-7075)	790.6452	r
					(P-7198) (E-7283)	790.6454	r
790.4740	r	(P-7198) (E-7283)	790.5792	r	(P-7198) (E-7283)	790.6456	r
790.4780	r	(P-7198) (E-7283)	790.5795	r	(P-7198) (E-7283)	790.6460	r
790.4820	r	(P-7198) (E-7283)	790.5800	r	(P-7198) (E-7283)	790.6480	r
790.4840	r	(P-7198) (E-7283)	790.5802	r	(P-7198) (E-7283)	790.6500	r
790.4860	r	(P-7198) (E-7283)	790.5807	r	(P-7198) (E-7283)		
790.4900	am	(P-17496/92; W-7075)	790.5820	r	(P-7198) (E-7283)	790.6505	am
			790.5830	r	(P-7198) (E-7283)		
790.4940	r	(P-7198) (E-7283)	790.5835	r	(P-7198) (E-7283)	790.6540	r
790.4960	r	(P-7198) (E-7283)	790.5837	r	(P-7198) (E-7283)	790.6544	r
790.4963	r	(P-7198) (E-7283)	790.5840	r	(P-7198) (E-7283)	790.6570	r
790.4965	r	(P-7198) (E-7283)	790.5860	r	(P-7198) (E-7283)	790.6580	am
790.4980	r	(P-7198) (E-7283)			(P-7198) (E-7283)		
790.5020	r	(P-7198) (E-7283)	790.5872	am	(P-17496/92; W-7075)	790.6610	am
					(P-7198) (E-7283)		
790.5030	r	(P-7198) (E-7283)	790.5893	r	(P-7198) (E-7283)	790.6620	r
					(P-7198) (E-7283)		

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790.7340	r	(P-7198) (E-7283)	790.8590	r
790.7380	r	(P-7198) (E-7283)	790.8620	r
790.7400	r	(P-7198) (E-7283)	790.8660	r
790.7420	r	(P-7198) (E-7283)	790.8700	r
790.7460	r	(P-7198) (E-7283)	790.8710	am
790.7500	r	(P-7198) (E-7283)		r
790.7510	r	(P-7198) (E-7283)	790.8724	r
790.7520	n	(P-17496/92; W-7075)	790.8727	r
790.7540	r	(P-7198) (E-7283)	790.8740	r
790.7580	r	(P-7198) (E-7283)	790.8780	r
790.7620	r	(P-7198) (E-7283)	790.8820	r
790.7660	r	(P-7198) (E-7283)	790.8835	n
790.7700	r	(P-7198) (E-7283)	790.8860	r
790.7740	r	(P-7198) (E-7283)	790.8900	r
790.7780	r	(P-7198) (E-7283)	790.8940	r
790.7820	r	(P-7198) (E-7283)	790.8980	r
790.7828	r	(P-7198) (E-7283)	790.9020	r
790.7834	r	(P-7198) (E-7283)	790.9035	r
790.7860	r	(P-7198) (E-7283)	790.9045	am
790.7875	n	(P-17496/92; W-7075)		r
790.7900	r	(P-7198) (E-7283)	790.9048	r
790.7940	r	(P-7198) (E-7283)	790.9050	am
790.7980	r	(P-7198) (E-7283)		r
790.8015	r	(P-7198) (E-7283)	790.9056	r
790.8020	r	(P-7198) (E-7283)	790.9060	r
790.8030	am	(P-17496/92; W-7075)	790.9070	am
790.8060	r	(P-7198) (E-7283)		r
790.8100	r	(P-7198) (E-7283)	790.9084	r
790.8106	r	(P-7198) (E-7283)	790.9100	r
790.8136	r	(P-7198) (E-7283)	790.9140	r
790.8140	r	(P-7198) (E-7283)	790.9180	r
790.8180	r	(P-7198) (E-7283)	790.9220	r
790.8220	r	(P-7198) (E-7283)	790.9260	r
790.8232	r	(P-7198) (E-7283)	790.9300	r
790.8244	r	(P-7198) (E-7283)	790.9320	r
790.8248	am	(P-17496/92; W-7075)	790.9340	r
	r	(P-7198) (E-7283)	790.9380	r
790.8260	r	(P-7198) (E-7283)	790.9420	r
790.8290	r	(P-7198) (E-7283)	790.9460	r
790.8300	r	(P-7198) (E-7283)	790.9475	r
790.8340	r	(P-7198) (E-7283)	790.9478	r
790.8378	r	(P-7198) (E-7283)	790.9486	r
790.8380	r	(P-7198) (E-7283)	790.9500	am
790.8420	r	(P-7198) (E-7283)		r
790.8460	r	(P-7198) (E-7283)	790.9520	am
790.8500	r	(P-7198) (E-7283)		r
790.8540	r	(P-7198) (E-7283)	790.9530	r
790.8580	am	(P-17496/92; W-7075)	790.9540	r
	r	(P-7198) (E-7283)	790.9580	r

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790.9620 r	(P-7198) (E-7283)	900.Tb.G n	(P-10870/92; A-4388)	
790.9660 r	(P-7198) (E-7283)	900.Tb.H n	(P-10870/92; A-4388)	
790.9800 r	(P-7198) (E-7283)	900.Tb.I n	(P-10870/92; A-4388)	
840.20 am	(P-4329/92; A-2319)	Ex.B n	(P-10870/92; A-4388)	
840.115 am	(P-4329/92; A-2319)	Ex.C n	(P-10870/92; A-4388)	
840.210 am	(P-4329/92; A-2319)	Ex.D n	(P-10870/92; A-4388)	
840.215 am	(P-4329/92; A-2319)	915.10 am	(P-10889/92; A-4425)	
840.305 am	(P-4329/92; A-2319)	915.20 am	(P-10989/92; A-4425)	
840.310 am	(P-4329/92; A-2319)	915.50 n	(P-10989/92; A-4425)	
840.Ap.B		1100.740 n	(P-8144)	
.Ex.A am	(P-4329/92; A-2319)	1110.60 n	(P-15328/92; A-4453)	
.Il.A r	(P-4329/92; A-2319)	1110.235 n	(P-15328/92; A-4453)	
.Ex.B n	(P-4329/92; A-2319)	1110.2510 n	(P-8149)	
.Il.B r	(P-4329/92; A-2319)	1110.2520 n	(P-8149)	
840.Ap.C		1110.2530 n	(P-8149) ¹	
840.Ex.B am	(P-4329/92; A-2319)	1110.2540 n	(P-8149)	
845.10 am	(P-12314/92; A-1884)	1110.2550 n	(P-8149)	
845.15 n	(P-12314/92; A-1884)	1120.10 n	(P-5205/92; A-4431)	
845.20 am	(P-12314/92; A-1884)	1120.20 n	(P-5205/92; RC-1244; A-4453)	
845.23 n	(P-12314/92; A-1884)	1120.110 n	(P-5205/92; A-4431)	
845.25 n	(P-12314/92; A-1884)	1120.120 n	(P-5205/92; RC-1244; A-4431)	
845.26 n	(P-12314/92; A-1884)	1120.130 n	(P-5205/92; A-4431)	
845.28 n	(P-12314/92; A-1884)	1120.210 n	(P-5205/92; A-4431)	
845.29 n	(P-12314/92; A-1884)	1120.310 n	(P-5205/92; RC-1244; A-4431)	
845.30 am	(P-12314/92; O-1243)	1120.Ap.A n	(P-5205/92; RC-1244; A-4431)	
	M-2073; A-1884)	1130.140 am	(P-4755/92; A-5882)	
845.40 am	(P-12314/92; A-1884)	1130.220 am	(P-4755/92; A-5882)	
845.50 am	(P-12314/92; A-1884)	1130.410 am	(P-4755/92; A-5882)	
845.60 r	(P-12314/92; A-1884)	1130.510 am	(P-4755/92; A-5882)	
845.Ap.A n	(P-12314/92; A-1884)	1130.620 am	(P-4755/92; A-5882)	
845.Ex.A n	(P-12314/92; A-1884)	1130.630 am	(P-4755/92; A-5882)	
845.Ex.B n	(P-12314/92; A-1884)	1130.640 am	(P-4755/92; A-5882)	
845.Ex.C n	(P-12314/92; A-1884)	1130.710 am	(P-4755/92; A-5882)	
845.Ap.B n	(P-12314/92; A-1884)	1130.720 am	(P-4755/92; A-5882)	
845.Ap.C n	(P-12314/92; A-1884)	1130.730 am	(P-4755/92; A-5882)	
845.II.A n	(P-12314/92; A-1884)	1130.740 am	(P-4755/92; A-5882)	
845.II.A n	(P-12314/92; A-1884)	1130.750 am	(P-15321/92; A-4448)	
845.Ap.D n	(P-12314/92; A-1884)	1130.760 am	(P-4755/92; A-5882)	
845.II.A n	(P-12314/92; A-1884)	1130.770 am	(P-4755/92; A-5882)	
845.Ap.E n	(P-10870/92; A-4388)	1130.780 am	(P-4755/92; A-5882)	
900.10 am	(P-10870/92; A-4388)	1130.Ap.A am	(P-4755/92; O-1242; R-5951; A-5882)	
900.30 am	(P-10870/92; A-4388)	1230.10 r	(P-5187/92; A-5878)	
900.40 am	(P-10870/92; A-4388)			
900.50 am	(P-10870/92; A-4388)			
900.60 am	(P-10870/92; A-4388)			
900.65 am	(P-10870/92; A-4388)			
900.70 am	(P-10870/92; A-4388)			
900.Tb.E n	(P-10870/92; A-4388)			
900.Tb.F n	(P-10870/92; A-4388)			

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1230.20	r	(P-5187/92; A-5878)	1240.40	r
1230.30	r	(P-5187/92; A-5878)	1240.50	r
1230.30	r	(P-5187/92; A-5878)	1240.60	r
1230.110	r	(P-5187/92; A-5878)	1240.70	r
1230.120	r	(P-5187/92; A-5878)	1240. Ap.A	r
1230.210	r	(P-5187/92; A-5878)	2090.20	am
1230.220	r	(P-5187/92; A-5878)	2090.35	am
1230.230	r	(P-5187/92; A-5878)	2090.40	am
1230.240	r	(P-5187/92; A-5878)	2090.41	am
1230.250	r	(P-5187/92; A-5878)	2090.42	am
1230.260	r	(P-5187/92; A-5878)	2090.43	am
1230.310	r	(P-5187/92; A-5878)	2090.70	am
1230.320	r	(P-5187/92; A-5878)	2090.90	am
1230.410	r	(P-5187/92; A-5878)	2090.100	am
1230.420	r	(P-5187/92; A-5878)	2510.50	am
1230. Tb.A	r	(P-5187/92; A-5878)	2510.55	am
1230. Tb.B	r	(P-5187/92; A-5878)	2510.60	am
1235.10	n	(E-432; O-3056) (P-683; A-8498)	2510.70	am
1235.20	n	(E-432; O-3056) (P-683; A-8498)	2510.90	n
1235.30	n	(E-432; O-3056) (P-683; A-8498)	2510. Ap.D	r
1235.40	n	(E-432; O-3056) (P-683; A-8498)	2540.30	am
1235.50	n	(E-432; O-3056) (P-683; A-8498)	3000.200	am
1235.50	n	(E-432; O-3056) (P-683; A-8498)	3000.210	am
1235.100	n	(E-432; O-3056) (P-683; A-8498)	3000.230	am
1235.110	n	(A-8498)	3000. Ap.A	r
1235.200	n	(E-432; O-3056) (P-683; A-8498)	3000. Ap.B	r
1235.210	n	(E-432; O-3056) (P-683; A-8498)	TITLE 80	
1235.220	n	(E-432; O-3056) (P-683; A-8498)	150.210	am
1235.230	n	(E-432; O-3056) (P-683; A-8498)	150.220	am
1235.240	n	(E-432; O-3056) (P-683; A-8498)	150. Ap.A	r
1235.250	n	(E-432; O-3056) (P-683; A-8498)	150. Ap.B	#
1235.300	n	(E-432; O-3056) (P-683; A-8498)	302.180	am
1235.310	n	(E-432; O-3056) (P-683; A-8498)	302.610	am
1235.320	N	(A-8498)	303.112	n
1240.10	r	(P-5225/92; A-5880)	310.30	am
1240.20	r	(P-5225/92; A-5880)	310.40	am
1240.30	r	(P-5225/92; A-5880)	310.110	am
			310.130	am
			310.210	am
			310.230	am
			310.270	am
			310.290	am

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310.320	am	(P-7605)	1200.50	am (P-3703)
310.450	am	(P-14001/92; A-1819)	1200.60	am (P-3703)
310.455	am	(P-14001/92; A-1819)	1200.80	am (P-3703)
310.470	am	(P-14001/92; A-1819)	1200.90	am (P-3703)
310.530	am	(P-14001/92; A-1819)	1200.110	am (P-3703)
310.530	am	(P-14001/92; A-1819)	1200.120	am (P-3703)
310.540	am	(P-14001/92; A-1819)	1200.130	am (P-3703)
310.Ap.A	am	(PP-498) (P-13179/92; A-590) (P-18139/92; A-6441) (P-7605)	1200.140	am (P-3703)
			1200.150	am (P-3703)
			1210.10	am (P-3734)
.Tb.C	am	(P-18139/92; A-6441)	1210.100	am (P-3734)
.Tb.D	am	(P-18139/92; A-6441)	1210.140	am (P-3734)
.Tb.E	am	(P-18139/92; A-6441)	1210.160	am (P-3734)
.Tb.F	am	(P-18139/92; A-6441)	1210.170	am (P-3734)
.Tb.G	am	(P-7605)	1210.180	am (P-3734)
.Tb.M	n	(P-13179/92; A-590)	1220.10	am (P-3755)
.Tb.N	am	(PP-498)	1220.30	am (P-3755)
.Tb.O	am	(P-18139/92; A-6441)	1220.40	am (P-3755)
.Tb.P	am	(P-18139/92; A-6441)	1220.50	am (P-3755)
		(P-7605)	1220.60	am (P-3755)
.Tb.Q	am	(P-7605)	1220.70	am (P-3755)
.Tb.U	am	(P-18139/92; A-6441)	1220.80	n (P-3755)
310.Ap.B	am	(P-13679/92; A-238)	1220.90	n (P-3755)
310.Ap.C	am	(P-191) (P-14001/92; A-1819)	1220.100	n (P-3755)
			1230.10	am (P-3718)
310.Ap.D	am	(P-14001/92; A-1819)	1230.80	am (P-3718)
420.330	am	(P-15342/92; A-1652)	1230.90	am (P-3718)
620.130	am	(P-11724/92; W-869)	1230.150	am (P-3718)
		(P-12409/92; W-869)	1230.160	am (P-3718)
		(P-91; W-869)	1230.180	am (P-3718)
		(P-15347/92; A-4510)	1230.190	am (P-3718)
630.315	n	(P-6632)	1230.220	am (P-3718)
650.1	n	(P-6635)	1650.210	am (P-12384/92; A-1631)
650.2	n	(P-6635)	1650.230	am (P-12384/92; A-1631)
650.3	n	(P-6635)	1650.240	am (P-12384/92; A-1631)
650.4	n	(P-6635)	1650.290	am (P-12384/92; A-1631)
650.5	n	(P-6635)	1650.330	am (P-12384/92; A-1631)
650.6	n	(P-6635)	1650.340	am (P-12384/92; A-1631)
650.7	n	(P-6635)	1650.370	am (P-12384/92; A-1631)
650.8	n	(P-6635)	1650.410	am (P-12384/92; A-1631)
650.9	n	(P-6635)	1650.450	am (P-12384/92; A-1631)
650.10	n	(P-6635)	1650.460	am (P-12384/92; A-1631)
650.11	n	(P-6635)	1650.510	am (P-12384/92; A-1631)
650.12	n	(P-6635)	1650.520	am (P-12384/92; A-1631)
650.13	n	(P-6635)	1650.570	am (P-12384/92; A-1631)
1200.10	am	(P-3703)	1650.620	am (P-12384/92; A-1631)
1200.20	am	(P-3703)	1650.630	am (P-12384/92; A-1631)
1200.30	am	(P-3703)	1650.640	am (P-12384/92; A-1631)
1200.40	am	(P-3703)	1650.650	am (P-12384/92; A-1631)

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TITLE 80 (CONT'D)				TITLE 86 (CONT'D)			
2160.120 am	(P-3577)	745.300 n	(P-10513/92; A-10258)	105.310 n	(P-219; A-7031) (E-445)	535.105 n	(P-15340/92; A-3042)
2160.130 am	(P-3577)	745.10 am	(P-10513/92; A-10258)		(P-9854)	535.110 n	(P-15340/92; A-3042)
2160.210 am	(P-3577)	755.105 am	(P-16709/92; A-5594)	105.320 n	(P-219; A-7031) (E-445)	535.115 n	(P-15340/92; A-3042)
2160.220 am	(P-3577)	755.500 n	(P-16709/92; A-5594)		(P-9854)	535.120 n	(P-15340/92; A-3042)
2160.250 am	(P-3577)	755.505 n	(P-16709/92; A-5594)	105.330 n	(P-219; A-7031) (E-445)	535.125 n	(P-15340/92; A-3042)
2160.310 am	(P-3577)	755.510 n	(P-16709/92; A-5594)	105.340 n	(P-219; A-7031) (E-445)	535.130 n	(P-15340/92; A-3042)
2160.320 am	(P-3577)	755.515 n	(P-16709/92; A-5594)		(P-9854)	535.135 n	(P-15340/92; A-3042)
2160.325 am	(P-3577)	755.520 n	(P-16709/92; A-5594)	105.400 n	(P-219; A-7031) (E-445)	535.140 n	(P-15340/92; A-3042)
2160.330 am	(P-3577)	755.525 n	(P-16709/92; A-5594)	105.410 n	(P-219; A-7031) (E-445)	535.145 n	(P-15340/92; A-3042)
2160.410 am	(P-3577)	755.530 n	(P-16709/92; A-5594)		(P-9854)	750.100 n	(P-15340/92; A-3042)
2160.510 am	(P-3577)	755.535 n	(P-16709/92; A-5594)	105.420 n	(P-219; A-7031) (E-445)	750.200 n	(P-8450)
2160.610 am	(P-3577)	755.540 n	(P-16709/92; A-5594)		(P-9854)	750.300 n	(P-8450)
2160.620 am	(P-3577)	755.545 n	(P-16709/92; A-5594)	105.430 n	(P-219; A-7031) (E-445)	750.400 n	(P-8450)
2650.1 am	(P-2449)	755.550 n	(P-16709/92; A-5594)	105.440 n	(P-219; A-7031) (E-445)	750.500 n	(P-8450)
2650.10 am	(P-2449)	755.555 n	(P-16709/92; A-5594)	105.450 n	(P-219; A-7031) (E-445)	750.600 n	(P-8450)
2650.15 am	(P-2449)	755.560 n	(P-16709/92; A-5594)	105.460 n	(P-219; A-7031) (E-445)	750.700 n	(P-8450)
2650.25 am	(P-2449)	755.565 n	(P-16709/92; A-5594)	105.470 n	(P-219; A-7031) (E-445)	750.800 n	(P-8450)
2650.30 am	(P-2449)	755.570 n	(P-16709/92; A-5594)		(P-9854)	750.900 n	(P-8450)
2650.40 n	(P-2449)	755.575 n	(P-16709/92; A-5594)	105.500 n	(P-219; A-7031) (E-445)		
2650.50 n	(P-2449)	755.580 n	(P-16709/92; A-5594)	105.510 n	(P-219; A-7031) (E-445)		
2650.60 n	(P-2449)	755.585 n	(P-16709/92; A-5594)		(P-9854)		
2650.70 n	(P-2449)	755.590 n	(P-16709/92; A-5594)	105.520 n	(P-219; A-7031) (E-445)		
TITLE 83				105.600 n	(P-219; A-7031) (E-445)		
255.20 am	(P-13703/92; A-798)			105.700 n	(P-219; A-7031) (E-445)		
275.20 am	(P-8269/92; A-98; RQ-2075; EC-3902)			105.800 n	(P-219; A-7031) (E-445)		
	(P-6382)			105.810 n	(P-219; A-7031) (E-445)		
280.76 n	(P-12810/92; A-805)			105.900 n	(P-219; A-7031) (E-445)		
280.138 am	(P-2462)			105.910 n	(P-219; A-7031) (E-445)		
305.20 am	(P-202)			105.920 n	(P-219; A-7031) (E-445)		
315.10 am	(P-202)			105.1000 n	(P-219; A-7031) (E-445)		
315.20 am	(P-202)			105.1010 n	(P-219; A-7031) (E-445)		
315.30 am	(P-202)			110.115 am	(P-2507)		
315.40 n	(P-202)			130.535 am	(P-8461)		
315.50 n	(P-202)			130.1001 am	(P-6955)		
315.60 n	(P-202)			130.1801 am	(P-6955)		
590.10 am	(P-2466)			130.220 am	(P-14554/92; A-860)		
735.121 n	(P-6386)			150.101 am	(P-14563/92; A-1947)		
745.10 am	(P-10513/92; A-10258)			210.101 am	(E-665) (P-2718; A-8860)		
745.15 am	(P-10513/92; A-10258)			210.105 am	(P-2718; A-8860)		
745.20 am	(P-10513/92; A-10258)			210.110 am	(P-2718; A-8860)		
745.30 am	(P-10513/92; A-10258)			210.115 am	(P-2718; C-3545; A-8860)		
745.110 am	(P-10513/92; A-10258)			210.120 am	(P-2718; A-8860)		
745.200 am	(P-10513/92; A-10258)			210.125 am	(E-665) (P-2718; A-8860)		
745.210 am	(P-10513/92; A-10258)			210.126 n	(E-665) (P-2718; A-8860)		
745.220 am	(P-10513/92; A-10258)			210.130 am	(P-2718; A-8860)		
745.221 n	(P-10513/92; A-10258)			530.115 am	(P-3104)		
745.225 am	(P-10513/92; A-10258)			530.125 am	(P-3104)		
				535.101 n	(P-15340/92; A-3042)		

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112.154	r	(P-14522/92; A-813)	120.61 am	
112.250	am	(P-46)	120.70 am	
112.252	am	(P-46)	120.73 n	
112.253	am	(P-46)	120.75 n	
112.254	am	(P-46)	120.385 r	
112.302	am	(P-10705)	121.3 am	
112.303	am	(P-10705)	121.23 r	
112.330	am	(P-10705)	121.24 r	
		(P-15277/92; A-2253)	121.25 r	
		(P-10705)	121.26 r	
		(P-6026) (E-6325)	121.27 r	
112.370	n	(P-10705)	121.28 r	
112.404	am	(P-10705)	121.29 r	
113.9	am	(P-7755)	121.31 am	
113.113	am	(P-7755)	121.32 am	
113.141	am	(P-7755)	121.50 am	
113.154	r	(P-14999/92; A-2263)	121.58 am	
113.253	am	(P-702; A-6804)	121.63 am	
113.260	am	(P-702; A-6804)	121.41 am	
113.309	n	(P-17457/92; A-6804)	121.59 am	
113.330	n	(P-14533/92; A-3202)	121.76 n	
113.410	am	(P-14533/92; A-3202)	121.160 n	
113.425	am	(P-17047/92; A-4322)	121.162 n	
113.430	am	(P-17047/92; A-4322)	121.164 n	
113.450	n	(P-17457/92; A-6804)	121.166 n	
114.9	am	(P-13395/92; A-1091)	121.170 n	
114.120	am	(P-15810/92; A-3255)	121.172 n	
114.121	r	(P-15810/92; A-3255)	121.174 n	
114.124	r	(P-15810/92; A-3255)	121.176 n	
114.125	r	(P-15810/92; A-3255)	121.178 n	
114.126	r	(P-15810/92; A-3255)	121.180 n	
114.127	r	(P-15810/92; A-3255)	121.182 n	
114.128	r	(P-15810/92; A-3255)	121.184 n	
114.129	r	(P-15810/92; A-3255)	121.186 n	
114.130	r	(P-15810/92; A-3255)	121.188 n	
114.135	r	(P-15810/92; A-3255)	121.190 n	
114.223	am	(P-19654/92; A-6814)	140.12 am	
114.252	am	(P-18226/92; A-6814)	140.19 am	
114.270	r	(P-15008/92; A-2277)	140.24 am	
114.406	n	(P-17459/92; A-6814)	140.80 n	
114.420	am	(P-15008/92; A-2277)	140.82 n	
114.430	am	(P-15287/92; A-2277)	140.84 n	
114.440	n	(P-14538/92; A-3639)	140.94 am	
116.400	am	(P-13764/92; A-1078)	140.95 am	
116.500	am	(P-13764/92; A-1078)	140.485 am	
116.520	r	(P-13764/92; A-1078)	140.488 am	
117.15	n	(P-2126; A-8191)	140.492 am	
		(E-2368)		
118.150	n	(P-10751) (E-11217)		
		(R-2436; A-2290; F-3058)		
		(P-10749) (E-11201)		

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140.511	am	(P-17461/92; A-6839)	148.170	am	(P-14540/92; A-3296)
140.525	am	(P-13211/92; A-837)	148.180	am	(P-14540/92; A-3296)
140.538	am	(P-13211/92; A-837)	148.190	am	(P-14540/92; A-3296)
140.539	am	(P-19665/92; A-6839)	148.200	am	(P-14540/92; A-3296)
140.579	am	(P-12838/92; A-19146/92; RQ-4517; EC-7078)	148.210	am	(P-14540/92; A-3296)
			148.220	am	(P-14540/92; A-3296)
			148.230	am	(P-14540/92; A-3296)
140.642	am	(P-16495/92; A-6196)	148.240	am	(P-14540/92; A-3296)
140.648	am	(P-17209/92; A-7004)	148.250	am	(P-14540/92; A-3296)
140.700	am	(P-7576/92; A-1112)	148.260	am	(P-14540/92; A-3296)
140.7b.K	am	(P-15296/92; A-2951)	148.270	am	(P-14540/92; A-3296)
144.5	am	(P-2477)	148.280	am	(P-14540/92; A-3296)
144.25	am	(P-2477)	148.290	am	(P-14540/92; A-3296)
144.50	am	(P-2477)	148.310	am	(P-14540/92; A-3296)
144.75	am	(P-2477)			(P-9840)
144.125	am	(P-2477)	148.320	am	(P-14540/92; A-3296)
144.150	am	(P-2477)	149.10	n	(P-14535/92; A-3217)
144.175	am	(P-2477)	149.25	am	(P-14535/92; A-3217)
144.205	am	(P-2477)	149.50	am	(P-14535/92; A-3217)
144.230	n	(P-899; A-8478)	149.75	am	(P-14535/92; A-3217)
144.250	am	(P-2477)	149.100	am	(P-14535/92; A-3217)
147.5	am	(P-1716; A-8486)	149.105	am	(P-14535/92; A-3217)
147.25	am	(P-5471)	149.125	am	(P-14535/92; A-3217)
147.50	am	(P-5471)	149.140	n	(P-14535/92; A-3217)
147.150	am	(P-13215/92; A-1128)			(P-9829)
		(P-5471)	149.150	am	(P-14535/92; A-3217)
147.205	am	(P-13215/92; A-1128)	160.1	am	(P-3820)
147.Tb.A	am	(P-5471)	160.5	am	(P-3820)
147.Tb.B	am	(P-5471)	160.15	n	(P-3820)
147.Tb.C	am	(P-1716; A-8486)	160.25	n	(P-3820)
147.Tb.D	am	(P-5471)	160.77	n	(P-3820)
147.Tb.E	am	(P-5471)	160.85	n	(P-8892/92; A-2272)
147.Tb.F	am	(P-1716; A-8486)	165.70	am	(P-2110; A-8187)
147.Tb.G	r	(P-5471)	165.104	am	(P-6614)
148.25	n	(P-14540/92; A-3296)	170.10	n	(P-10736)
148.30	am	(P-14540/92; A-3296)	170.20	n	(P-10736)
148.40	am	(P-14540/92; A-3296)	170.30	n	(P-10736)
148.50	am	(P-14540/92; A-3296)	170.40	n	(P-10736)
148.60	am	(P-14540/92; A-3296)	170.50	am	(P-10736)
148.70	am	(P-14540/92; A-3296)	220.625	am	(P-883; A-8472) (E-1179)
148.80	am	(P-10868/92; A-131)	220.635	am	(P-883; A-8472) (E-1179)
148.80	r	(P-6935)	240.729	n	(P-12251/92; A-224)
148.82	n	(P-12826/92; RC-6549; A-6649)	240.1510	am	(P-15203/92; A-6090)
			240.1520	am	(P-15203/92; A-6090)
148.120	am	(P-14540/92; A-3296)	240.1530	am	(P-15203/92; A-6090)
148.130	am	(P-14540/92; A-3296)	240.1535	am	(P-15203/92; A-6090)
148.140	am	(P-14540/92; A-3296)	240.1540	am	(P-15203/92; A-6090)
148.150	am	(P-14540/92; A-3296)	240.1545	am	(P-15203/92; A-6090)
148.160	am	(P-14540/92; A-3296)	240.1550	am	(P-15203/92; A-6090)

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240.1560	am	(P-15203/92; A-6090)	336.100	n	(P-7963/92; A-1026)
240.1565	am	(P-15203/92; A-6090)	336.110	n	(P-7963/92; A-1026)
240.1570	am	(P-15203/92; A-6090)	336.120	n	(P-7963/92; A-1026)
240.1575	am	(P-15203/92; A-6090)	336.130	n	(P-7963/92; A-1026)
240.1580	am	(P-15203/92; A-6090)	336.140	n	(P-7963/92; A-1026)
240.1590	am	(P-15203/92; A-6090)	336.150	n	(P-7963/92; A-1026)
240.1800	am	(P-15203/92; A-6090)	336.160	n	(P-7963/92; A-1026)
240.1850	am	(P-15203/92; A-6090)	336.170	n	(P-7963/92; A-1026)
240.2020	am	(P-15203/92; A-6090)	337.10	n	(P-7999/92; A-1046)
240.2050	am	(P-15203/92; A-6090)	337.20	n	(P-7999/92; A-1046)
302.20	am	(P-7565/92; A-274)	337.30	n	(P-7999/92; A-1046)
302.310	am	(P-2460) (E-2513)	337.40	n	(P-7999/92; A-1046)
304.2	am	(P-7545/92; A-251)	337.50	n	(P-7999/92; A-1046)
309.1	r	(P-7982/92; A-1044)	337.60	n	(P-7999/92; A-1046)
309.2	r	(P-7982/92; A-1044)	337.70	n	(P-7999/92; A-1046)
309.3	r	(P-7982/92; A-1044)	337.80	n	(P-7999/92; A-1046)
309.4	r	(P-7982/92; A-1044)	337.90	n	(P-7999/92; A-1046)
309.5	r	(P-7982/92; A-1044)	337.100	n	(P-7999/92; A-1046)
309.6	r	(P-7982/92; A-1044)	337.110	n	(P-7999/92; A-1046)
309.7	r	(P-7982/92; A-1044)	337.120	n	(P-7999/92; A-1046)
309.8	r	(P-7982/92; A-1044)	337.130	n	(P-7999/92; A-1046)
309.9	r	(P-7982/92; A-1044)	337.140	n	(P-7999/92; A-1046)
309.10	r	(P-7982/92; A-1044)	337.150	n	(P-7999/92; A-1046)
309.11	r	(P-7982/92; A-1044)	337.160	n	(P-7999/92; A-1046)
309.12	r	(P-7982/92; A-1044)	337.170	n	(P-7999/92; A-1046)
309.13	r	(P-7982/92; A-1044)	337.180	n	(P-7999/92; A-1046)
309.14	r	(P-7982/92; A-1044)	337.190	n	(P-7999/92; A-1046)
309.15	r	(P-7982/92; A-1044)	337.200	n	(P-7999/92; A-1046)
309.16	r	(P-7982/92; A-1044)	337.210	n	(P-7999/92; A-1046)
309.17	r	(P-7982/92; A-1044)	337.220	n	(P-7999/92; A-1046)
309.18	r	(P-7982/92; A-1044)	337.230	n	(P-7999/92; A-1046)
309.19	r	(P-7982/92; A-1044)	337.240	n	(P-7999/92; A-1046)
309.20	r	(P-7982/92; A-1044)	337.250	n	(P-7999/92; A-1046)
309.21	r	(P-7982/92; A-1044)	354.1	r	(P-8099)
309.22	r	(P-7982/92; A-1044)	354.2	r	(P-8099)
309.23	r	(P-7982/92; A-1044)	354.3	r	(P-8099)
330.5	am	(P-1259)	354.4	r	(P-8099)
330.6	am	(P-1259)	354.5	r	(P-8099)
335.208	n	(P-6681)	354.6	r	(P-8099)
336.10	n	(P-7963/92; A-1026)	356.1	am	(P-10679)
336.20	n	(P-7963/92; A-1026)	376.1	r	(P-8104)
336.30	n	(P-7963/92; A-1026)	376.2	r	(P-8104)
336.40	n	(P-7963/92; A-1026)	376.3	r	(P-8104)
336.50	n	(P-7963/92; A-1026)	377.2	am	(P-7553/92; A-259)
336.60	n	(P-7963/92; A-1026)	377.4	am	(P-7553/92; A-259)
336.70	n	(P-7963/92; A-1026)	378.1	r	(P-7561/92; A-272)
336.80	n	(P-7963/92; A-1026)	378.2	r	(P-7561/92; A-272)
			378.3	r	(P-7561/92; A-272)

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378.4	r	(P-7561/92; A-272)	897.50	n	(E-6886)
402.15	am	(P-11707/92; A-267)	897.60	n	(E-6886)
434.1	am	(P-7115)	1200.10	am	(P-15354/92; A-1137)
434.2	am	(P-7115)	1200.20	am	(P-15354/92; A-1137)
434.3	am	(P-7115)	1200.30	am	(P-15354/92; A-1137)
434.4	am	(P-7115)			(P-7780) (E-8052; W-8318) (E-9735)
434.5	am	(P-7115)	1200.40	am	(P-15354/92; A-1137)
434.6	am	(P-7115)	1200.50	am	(P-15354/92; A-1137)
434.7	am	(P-7115)			(P-7780) (E-8052; W-8318) (E-9735)
434.8	am	(P-7115)	1200.60	am	(P-15354/92; A-1137)
434.9	am	(P-7115)	1200.70	am	(P-15354/92; A-1137)
434.10	n	(P-7115)			(P-7780) (E-8052; E-8318) (E-9735)
434.11	#	(P-7115)			(P-15354/92; A-1137)
434.12	n	(P-1731; A-9964)	1200.80	am	(P-15354/92; A-1137)
505.5	am	(P-1731; A-9964)	1200.100	am	(P-15354/92; A-1137)
505.10	am	(P-1731; A-9964)	1200.110	am	(P-15354/92; A-1137)
505.30	am	(P-1731; A-9964)	1200. Ap.A	am	(P-15354/92; A-1137)
505.40	am	(P-1731; A-9964)			(P-7780) (E-8052; E-8318) (E-9735)
505.50	am	(P-1731; A-9964)			
505.60	am	(P-1731; A-9964)			
505.70	am	(P-1731; A-9964)			
505.80	am	(P-1731; A-9964)			
505.90	am	(P-1731; A-9964)			
525.500	n	(P-947; A-9980)			
540.50	n	(P-20088/92; A-6244)	10.10	am	(P-6418)
562.20	am	(P-14189/92; A-3895)	10.20	am	(P-6418)
562.30	am	(P-14189/92; A-3895)	10.30	am	(P-6418)
567.20	am	(P-10403/92; A-149)	10.40	am	(P-6418)
567.30	am	(P-10403/92; A-149)	10.50	am	(P-6418)
567.100	am	(P-10403/92; A-149)	10.60	am	(P-6418)
587.610	n	(P-952; W-3686)	10.70	am	(P-6418)
592.50	am	(P-1375; W-3687)	10.80	am	(P-6418)
592.80	am	(P-1375; W-3687)	10.90	n	(P-6418)
680.300	am	(P-943; A-7230)	67.10	n	(P-1767; A-9035)
685.150	am	(P-18947/92; A-6256)	67.20	n	(P-1767; A-9035)
690.100	am	(P-15065/92; A-3675)	67.30	n	(P-1767; A-9035)
690.200	am	(P-15065/92; A-3675)	67.40	n	(P-1767; A-9035)
690.300	am	(P-15065/92; A-3675)	67.50	n	(P-1767; A-9035)
690.400	am	(P-15065/92; A-3675)	67.60	n	(P-1767; A-9035)
708.300	am	(P-9852) (E-10003)	67.70	n	(P-1767; A-9035)
730.700	r	(P-10397/92; A-425)	67.80	n	(P-1767; A-9035)
827.10	am	(P-77; A-6260)	67.90	n	(P-1767; A-9035)
827.30	am	(P-77; A-6260)	67.100	n	(P-1767; A-9035)
827.40	am	(P-77; A-6260)	67.120	n	(P-1767; A-9035)
830.50	am	(P-18759/92; A-6248)	67.130	n	(P-1767; A-9035)
897.10	n	(E-6886)	67.140	n	(P-1767; A-9035)
897.20	n	(E-6886)	67. Ex.A	n	(P-1767; A-9035)
897.30	n	(E-6886)	77.10	n	(P-1789; A-9057)
897.40	n	(E-6886)	77.20	n	(P-1789; A-9057)

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77.30	n	(P-1789; A-9057)	700.10	n	(P-17235/92; A-4484)
77.40	n	(P-1789; A-9057)	700.20	n	(P-17235/92; A-4484)
77.50	n	(P-1789; A-9057)	700.30	n	(P-17235/92; A-4484)
77.60	n	(P-1789; A-9057)	700.40	n	(P-17235/92; A-4484)
77.70	n	(P-1789; A-9057)	700.50	n	(P-17235/92; A-4484)
77.80	n	(P-1789; A-9057)	700.60	n	(P-17235/92; A-4484)
77.90	n	(P-1789; A-9057)	700.70	n	(P-17235/92; A-4484)
77.100	n	(P-1789; A-9057)	700.80	n	(P-17235/92; A-4484)
77.110	n	(P-1789; A-9057)	700.90	n	(P-17235/92; A-4484)
77.120	n	(P-1789; A-9057)	700.100	n	(P-17235/92; A-4484)
77.130	n	(P-1789; A-9057)	700.110	n	(P-17235/92; A-4484)
77.140	n	(P-1789; A-9057)	704.10	n	(P-17244/92; A-4494)
77.Ex.A	n	(P-1789; A-9057)	704.20	n	(P-17244/92; A-4494)
440.520	am	(P-15835/92; A-3530)	704.30	n	(P-17244/92; A-4494)
442.435	am	(P-3110)	704.40	n	(P-17244/92; A-4494)
451.10	am	(P-3110)	704.50	n	(P-17244/92; A-4494)
451.15	am, #	(P-3110)	704.60	n	(P-17244/92; A-4494)
451.20	am	(P-3110)	704.70	n	(P-17244/92; A-4494)
451.25	am	(P-3110)	704.80	n	(P-17244/92; A-4494)
451.30	am	(P-3110)	704.90	n	(P-17244/92; A-4494)
451.40	am	(P-3110)	704.100	n	(P-17244/92; A-4494)
451.50	#	(P-3110)	704.110	n	(P-17244/92; A-4494)
451.60	am	(P-3110)	704.120	n	(P-17244/92; A-4494)
451.70	am	(P-3110)	704.130	n	(P-17244/92; A-4494)
451.80	am	(P-3110)	704.140	n	(P-17244/92; A-4494)
451.90	am	(P-3110)	704.150	n	(P-17244/92; A-4494)
451.100	am	(P-3110)	704.160	n	(P-17244/92; A-4494)
451.110	am	(P-3110)	704.Ap.A	n	(P-17244/92; A-4494)
451.120	am	(P-3110)	1001.10	am	(P-19761/92; A-6274)
451.130	am	(P-3110)	1001.20	am	(P-19761/92; A-6274)
451.140	am	(P-3110)	1001.220	am	(P-19761/92; A-6274)
451.150	am	(P-3110)	1001.300	am	(P-19761/92; A-6274)
451.160	am	(P-3110)	1001.310	am	(P-19761/92; A-6274)
451.Ap.F	am	(P-3110)	1001.320	am	(P-19761/92; A-6274)
451.II.C	n	(P-3110)	1001.330	am	(P-19761/92; A-6274)
451.II.D	n	(P-3110)	1001.340	am	(P-19761/92; A-6274)
453.10	n	(P-2186; A-8563)	1001.350	am	(P-19761/92; A-6274)
453.20	n	(P-2186; A-8563)	1001.360	am	(P-19761/92; A-6274)
453.30	n	(P-2186; A-8563)	1001.400	am	(P-19761/92; A-6274)
522.20	am	(P-981; A-7258)	1001.410	am	(P-19761/92; A-6274)
522.30	am	(P-981; A-7258)	1001.420	am	(P-19761/92; A-6274)
522.50	am	(P-981; A-7258)	1001.430	am	(P-19761/92; A-6274)
522.80	am	(P-981; A-7258)	1001.440	am	(P-19761/92; A-6274)
522.120	am	(P-981; A-7258)	1001.450	am	(P-19761/92; A-6274)
522.130	r	(P-981; A-7258)	1001.460	am	(P-19761/92; A-6274)
522.150	n	(P-981; A-7258)	1001.470	am	(P-19761/92; A-6274)
522.200	am	(P-981; A-7258)	1001.485	am	(P-19761/92; A-6274)
522.210	am	(P-981; A-7258)			
522.II.J	n	(P-981; A-7258)			

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1001.500	n	(P-1758; A-8528)	1375.1160	r	(P-8635)
		(E-2047)	1375.1170	r	(P-8635)
1001.510	n	(P-1758; A-8528)	1375.2010	r	(P-8635)
		(E-2047)	1375.2020	r	(P-8635)
1001.520	n	(P-1758; A-8528)	1375.2030	r	(P-8635)
		(E-2047)	1375.2040	r	(P-8635)
1001.530	n	(P-1758; A-8528)	1375.2050	r	(P-8635)
		(E-2047)	1375.2060	r	(P-8635)
1001.540	n	(P-1758; A-8528)	1375.2070	r	(P-8635)
		(E-2047)	1375.2080	r	(P-8635)
		(E-2047)	1375.3010	r	(P-8635)
1030.16	n	(P-956; A-8275) (E-1219)	1375.3020	r	(P-8635)
1030.17	n	(P-1752; A-8522)	1375.3030	r	(P-8635)
1030.18	n	(P-956; A-8275) (E-1219)	1375.4010	r	(P-8635)
1030.115	am	(P-17229/92; A-2025)	1375.5010	r	(P-8635)
1030.120	am	(P-12138/92; A-7065)	1375.6010	r	(P-8635)
1030.130	am	(P-12138/92; A-7065)	1375.6020	r	(P-8635)
1040.20	am	(P-2128)	1375.6030	r	(P-8635)
1040.101	am	(P-1747; A-8512)	1375.7010	r	(P-8635)
1040.102	n	(P-285; A-90286)	1375.7020	r	(P-8635)
1070.100	am	(P-2863; A-8517)	1375.7030	r	(P-8635)
1236.10	n	(P-9167)	1375.7040	r	(P-8635)
1360.40	am	(P-1685)	1375.7050	r	(P-8635)
1375.10	r	(P-8635)	1375.7060	r	(P-8635)
1375.15	r	(P-8635)	1375.7070	r	(P-8635)
1375.20	r	(P-8635)	1375.7080	r	(P-8635)
1375.30	r	(P-8635)	1375.7090	r	(P-8635)
1375.40	r	(P-8635)	1375.7100	r	(P-8635)
1375.50	r	(P-8635)	1375.7110	r	(P-8635)
1375.60	r	(P-8635)	1375.7120	r	(P-8635)
1375.70	r	(P-8635)	1375.7130	r	(P-8635)
1375.80	r	(P-8635)	1375.7140	r	(P-8635)
1375.85	r	(P-8635)	1375.7150	r	(P-8635)
1375.1000	r	(P-8635)	1375.7160	r	(P-8635)
1375.1010	r	(P-8635)	1375.7170	r	(P-8635)
1375.1020	r	(P-8635)	1375.7175	r	(P-8635)
1375.1030	r	(P-8635)	1375.7180	r	(P-8635)
1375.1040	r	(P-8635)	1375.7190	r	(P-8635)
1375.1050	r	(P-8635)	1375.7200	r	(P-8635)
1375.1060	r	(P-8635)	1375.7210	r	(P-8635)
1375.1070	r	(P-8635)	1375.7220	r	(P-8635)
1375.1080	r	(P-8635)	1375.7230	r	(P-8635)
1375.1090	r	(P-8635)	1375.7240	r	(P-8635)
1375.1100	r	(P-8635)	1375.7250	r	(P-8635)
1375.1110	r	(P-8635)	1375.7260	r	(P-8635)
1375.1120	r	(P-8635)	1375.8100	r	(P-8635)
1375.1130	r	(P-8635)	1375.8110	r	(P-8635)
1375.1140	r	(P-8635)	1375.8120	r	(P-8635)
1375.1150	r	(P-8635)	1375.8130	r	(P-8635)

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